



April 3, 2007

ENGROSSED SENATE BILL No. 335

DIGEST OF SB 335 (Updated April 2, 2007 5:19 pm - DI 77)

Citations Affected: IC 16-18; IC 16-27; IC 16-28; IC 25-1; IC 25-2.1; IC 25-2.5; IC 25-7; IC 25-8; IC 25-9; IC 25-21.5; IC 25-23; IC 25-23.3; IC 25-23.6; IC 25-23.7; IC 25-27.5; IC 25-35.6; IC 36-7; noncode.

Synopsis: Professions and occupations. Specifies the information that must be provided in an application for a personal services agency license, indicates when the state department of health may conduct an onsite inspection before issuing a license, and requires a determination on an application within 60 days. Specifies the requirements for renewing a license. Authorizes the attorney general to bring a civil action to enjoin unlicensed conduct. Establishes criteria when a nursing home is not required to provide cardiopulmonary resuscitation or other intervention on a patient who has died. Provides that: (1) a holder of a license, registration, or certificate may be subject to civil penalties if the holder does not comply with continuing education requirements for reinstatement of a license; (2) the professional licensing agency may delay reinstating a license, certificate, or registration for 90 days to investigate an applicant; (3) a holder of a license, registration, or certificate is subject to disciplinary sanctions if a board finds the holder engages in fraudulent billing practices or is convicted of a crime that is harmful to the public; (4) the board may summarily suspend the license of a real estate appraiser under certain circumstances; (5) an
(Continued next page)

Effective: July 1, 2007.

Riegsecker

(HOUSE SPONSORS — WELCH, BROWN T, BROWN C)

January 11, 2007, read first time and referred to Committee on Rules and Legislative Procedure.

January 23, 2007, amended; reassigned to Committee on Health and Provider Services.

February 22, 2007, amended, reported favorably — Do Pass.

February 26, 2007, read second time, ordered engrossed. Engrossed.

February 27, 2007, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 6, 2007, read first time and referred to Committee on Legislative Procedures.

March 13, 2007, reassigned to Committee on Public Health.

April 3, 2007, amended, reported — Do Pass.

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acupuncturist must receive a written referral, diagnosis, or documentation of the patient's condition before performing acupuncture; (6) an individual may obtain a beauty culture instructor license and instruct in areas of beauty culture in which the individual holds a license; and (7) a physician assistant's certificate is placed on inactive status if the physician assistant does not practice under a supervising physician. Provides for reinstatement of a tanning facility license. Removes: (1) semiprofessional elimination contests from the boxing and sparring laws; and (2) a provision that requires certain organizations to supply information concerning continuing education of land surveyors. Allows: (1) an individual who holds a valid CPA certificate from any state to perform quality reviews; (2) the state board of cosmetology examiners to establish standards for mobile salons; and (3) individuals who meet certain requirements to obtain a license in speech-language pathology. Changes the: (1) fee for issuance of a duplicate license, registration, or certificate from \$10 to \$25; and (2) limitation on hours of course work for students in barber school or cosmetology school from eight to ten hours per day. Establishes the interstate nurse licensure compact. Provides that the state board of nursing may issue by endorsement a license to practice as a registered nurse if the applicant completes the Canadian Registered Nurse Examination. Requires part of the examination and registration fees collected by the board to be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. Establishes the amount of fees to be deposited in the impaired nurses account. Changes clinical experience required for marriage and family therapist from three to two years. Establishes a marriage and family therapist associate license. Provides that a zoning ordinance must allow one or more occupants of a single family residence to engage in a home occupation of providing instruction in music. Makes conforming changes. Repeals provisions concerning: (1) requiring a person to complete a cosmetology school program again if the person fails the examination by the state board of cosmetology examiners; (2) esthetics and electrology instructors licenses, which are replaced with the beauty culture instructor license; (3) inactive cosmetology professional's licenses; and (4) the transfer the rights, powers, and duties of the state board of examination and registration of nurses.

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April 3, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 335

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-18-2-19 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) "Applicant", for
3 purposes of IC 16-25, has the meaning set forth in IC 16-25-1.1-2.
4 (b) "Applicant", for purposes of IC 16-26-2, has the meaning set
5 forth in IC 16-26-2-1.
6 (c) "Applicant", for purposes of IC 16-27-4, refers to an
7 applicant for a license under IC 16-27-4.
8 SECTION 2. IC 16-27-4-6, AS ADDED BY P.L.212-2005,
9 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2007]: Sec. 6. (a) To operate a personal services agency, a
11 person must obtain a license from the state health commissioner. A
12 personal services agency may not be opened, operated, managed, or
13 maintained or conduct business without a license from the state
14 department. Each parent personal services agency must obtain a
15 separate license.
16 (b) A parent personal services agency may maintain branch offices
17 that operate under the license of the parent personal services agency.

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Each branch office must be:

- (1) at a location or site from which the personal services agency provides services;
- (2) owned and controlled by the parent personal services agency; and
- (3) located within a radius of one hundred twenty (120) miles of the parent personal services agency.

(c) A license is required for any personal services agency providing services in Indiana. An out-of-state personal services agency must be authorized by the secretary of state to conduct business in Indiana and have a branch office in Indiana.

(d) Application for a license to operate a personal services agency must be:

- (1) made on a form provided by the state department; and ~~must be~~
- (2) accompanied by the payment of a fee of two hundred fifty dollars (\$250).

However, if the state department does not make forms available to applicants, the state department shall accept an application for a personal services agency license in any form. The application may not require any seek any more information except as than the information required under this chapter. To the extent that an application form requests additional information, the state department may not deny the application of an applicant for refusing to provide the additional information.

(e) ~~After receiving~~ Upon receipt of a completed application, that the state department shall review the application to ensure that the information required by section 6.1 of this chapter is provided. If the application contains all of the required information, the information provided by the applicant demonstrates the applicant's prima facie compliance with the requirements of this chapter, and if the payment of applicant has paid the fee required by subsection (d), the state department shall issue a an initial license to the applicant to operate a personal services agency. If, after reviewing an application, the state department is not satisfied that the applicant has demonstrated prima facie compliance with this chapter, the state department may conduct an onsite inspection to determine whether the applicant demonstrates prima facie compliance with this chapter. Any inspection must be completed not more than sixty (60) days after the date that the state department receives the application. The state department must either:

- (1) issue the initial license to the applicant; or**
- (2) deny the application for the initial license;**

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1 within sixty (60) days after the date that the state department
 2 receives the application. If the state department fails to act upon an
 3 application within sixty (60) days, the application shall be treated
 4 as if it were approved, and the state department shall issue an
 5 initial license to the applicant.

6 (f) The state department may conduct an onsite inspection in
 7 conjunction with the issuance of an initial license or the renewal of a
 8 license.

9 (f) (g) In the state department's consideration of:

- 10 (1) an application for licensure;
- 11 (2) an application for renewal of licensure;
- 12 (3) a complaint alleging noncompliance with the requirements of
 13 this chapter; or
- 14 (4) an investigation conducted under section 7(a) of this chapter;

15 the state department's onsite inspections in conjunction with those
 16 actions are limited to determining the personal service agency's
 17 compliance with the requirements of this chapter or permitting or
 18 aiding an illegal act in a personal services agency.

19 (g) (h) Subject to ~~subsection~~ subsections (e) and (f), when
 20 conducting an onsite inspection, the state department must receive all
 21 documents necessary to determine the personal service agency's
 22 compliance with the requirements of this chapter. A personal services
 23 agency must produce documents requested by the state department
 24 surveyor not less than twenty-four (24) hours after the documents have
 25 been requested.

26 (h) (i) A license expires one (1) year after the date of issuance of the
 27 license under subsection (e). However, the state department may issue
 28 an initial license for a period of less than one (1) year to stagger the
 29 expiration dates. The licensee shall notify the state department in
 30 writing at least thirty (30) days before closing or selling the personal
 31 services agency. **The holder of a license for a personal services**
 32 **agency must renew its license each year. A renewal application**
 33 **must:**

- 34 (1) state the name of the personal services agency;
- 35 (2) state the license number; and
- 36 (3) provide information concerning any changes that have
 37 occurred in the information provided to the state department
 38 in the initial application or a renewal application.

39 The renewal application must be accompanied by a renewal fee in
 40 an amount equal to the fee imposed for an initial license. Upon
 41 receipt of a renewal application and the accompanying fee, the
 42 state department shall issue a renewal license. A renewal license

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1 **expires one (1) year after the date of issuance.**

2 ~~(j)~~ **(j)** A personal services agency license may not be transferred or
3 assigned. Upon sale, assignment, lease, or other transfer, including
4 transfers that qualify as a change in ownership, the new owner or
5 person in interest must obtain a license from the state department under
6 this chapter before maintaining, operating, or conducting the personal
7 services agency.

8 ~~(k)~~ **(k)** A home health agency licensed under IC 16-27-1 that
9 operates a personal services agency within the home health agency is
10 subject to the requirements of this chapter. The requirements under
11 IC 16-27-1 do not apply to a home health agency's personal services
12 agency. The requirements under this chapter do not apply to a home
13 health agency's operations. A home health agency that is licensed under
14 IC 16-27-1 is not required to obtain a license under this chapter.

15 ~~(l)~~ **(l)** If a person who is licensed to operate a personal services
16 agency is also licensed to operate a home health agency under
17 IC 16-27-1, an onsite inspection for renewal of the person's personal
18 services agency license must, to the extent feasible, be conducted at the
19 same time as an onsite inspection for the home health agency license.

20 **SECTION 3. IC 16-27-4-6.1 IS ADDED TO THE INDIANA CODE**
21 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
22 **1, 2007]: Sec. 6.1. (a) An application under section 4 of this chapter**
23 **for an initial license for a personal services agency must include the**
24 **following information:**

25 **(1) The name, address, voice telephone number, and fax**
26 **number of the applicant. If the applicant has any branch**
27 **locations, the application must include the address, voice**
28 **telephone number, and fax number for each branch location.**

29 **(2) A description of the applicant's type or form of business.**

30 **(3) The name and office voice telephone number of the**
31 **applicant's manager required under section 9 of this chapter,**
32 **including the after hours contact telephone number to be used**
33 **by clients.**

34 **(4) If the manager specified under subdivision (3) has**
35 **designated any individual to act in the manager's place:**

36 **(A) the name and office voice telephone number for each**
37 **designee; and**

38 **(B) a description of the responsibilities that have been**
39 **delegated to each designee.**

40 **(5) The ownership, control, and management disclosures**
41 **required under section 17(b) of this chapter.**

42 **(6) A description of the personal services that the applicant**

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will provide.

(7) A list of the counties in which the applicant will provide personal services.

(8) A disclosure of whether the owners or managers have been involved with an individual or entity that has been denied a license to operate as a personal services agency or has had its license to operate as a personal services agency revoked.

(b) The following information must accompany an application for an initial license for a personal services agency:

(1) If the applicant is not a sole proprietorship, a copy of the organizing or incorporating documents that were filed with the secretary of state of the jurisdiction in which the applicant was created. If the applicant is an out-of-state entity, the applicant must include a copy of any documents filed by the personal services agency with the Indiana secretary of state.

(2) If an applicant is doing business under a name other than the name of the applicant, a copy of the document that was filed in Indiana to register the name.

(3) A copy of the Internal Revenue Service Form SS-4 or other documentation confirming the applicant's name and federal employer identification number.

(4) The following:

(A) A copy of the applicant's patient bill of rights.

(B) A copy of the applicant's form service plan.

(C) A copy of the applicant's policies and procedures relating to preparing, reviewing, and revising service plans.

(D) A copy of the applicant's policies and procedures for client satisfaction review, including any forms used for this purpose.

(E) A copy of the applicant's policies and procedures for responding to and investigating a client complaint.

(F) A copy of the applicant's policies and procedures for evaluating and training employees.

(5) Documentation showing that the applicant has evaluated and trained its employees as required by section 16 of this chapter and has performed tuberculosis testing as required by section 15 of this chapter.

SECTION 4. IC 16-27-4-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. The attorney general may do any combination of the following:

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(1) Seek an injunction of a violation described in section 23 of this chapter in a circuit or superior court of the county where the violation occurred.

(2) Initiate a complaint with a prosecuting attorney to prosecute a violation described in section 23 of this chapter.

SECTION 5. IC 16-28-11-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) This section does not apply to the implementation of a do not resuscitate order.

(b) This article does not require an employee of a health facility to provide cardiopulmonary resuscitation (CPR) or other intervention on a patient if a licensed nurse who is employed by the health facility has determined that the following criteria have been met:

(1) The patient has experienced an unwitnessed cessation of circulatory and respiratory functions.

(2) The patient is unresponsive.

(3) The patient's pupils are fixed and dilated.

(4) The patient's body temperature indicates hypothermia.

(5) The patient has generalized cyanosis.

(6) The patient has livor mortis.

SECTION 6. IC 25-1-4-5, AS ADDED BY P.L.157-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter **or IC 25-1-8-6** at the time that the practitioner applies for license renewal **or reinstatement** or after an audit conducted under section 3 of this chapter, the board shall do the following:

(1) Send the practitioner notice of noncompliance by certified mail.

(2) As a condition of license renewal **or reinstatement**, require the practitioner to comply with subsection (b).

(3) **For license renewal**, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon receipt of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

(1) If the practitioner believes that the practitioner has complied with this chapter **or IC 25-1-8-6, if applicable**, within twenty-one (21) days of receipt of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

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(2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of receipt of the notice.

(B) Acquire, within six (6) months after receiving the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend **or refuse to reinstate** the license of the practitioner and send notice of the suspension **or refusal** to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) ~~reinstate a practitioner suspended under subsection (c);~~
practitioner's license; or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) **or IC 25-1-8-6, if applicable.**

SECTION 7. IC 25-1-4-6, AS ADDED BY P.L.157-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal **or reinstatement** or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter **or IC 25-1-8-6, if applicable**, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal **or reinstatement.**

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars

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1 (\$1,000).

2 (2) Acquisition by the practitioner of the number of credit hours
3 required to be obtained by the practitioner during the relevant
4 license period.

5 (3) The practitioner otherwise complies with this chapter.

6 SECTION 8. IC 25-1-7-9, AS AMENDED BY HEA 1084-2007,
7 SECTION 166, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2007]: Sec. 9. A board member is disqualified
9 from any consideration of the case if the board member filed the
10 complaint or participated in negotiations regarding the complaint. The
11 board member is not disqualified from the board's final determination
12 solely because the board member was the hearing officer or determined
13 the complaint and the information pertaining to the complaint was
14 current significant investigative information (as defined by
15 ~~IC 25-23.2-1-5~~ (repeated)): **IC 25-23.3-2-6**.

16 SECTION 9. IC 25-1-7-10 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) All complaints
18 and information pertaining to the complaints shall be held in strict
19 confidence until the attorney general files notice with the board of the
20 attorney general's intent to prosecute the licensee.

21 (b) A person in the employ of the office of attorney general or any
22 of the boards, or any person not a party to the complaint, may not
23 disclose or further a disclosure of information concerning the
24 complaint unless the disclosure is required:

25 (1) under law; or

26 (2) for the advancement of an investigation.

27 (c) Notwithstanding subsections (a) and (b), under IC 25-23.2 the
28 state board of nursing may disclose to the coordinated licensure
29 information system (as defined by ~~IC 25-23.2-1-4~~) complaints and
30 information concerning complaints that the board determines to be
31 current significant investigative information (as defined by
32 ~~IC 25-23.2-1-5~~).

33 (c) Notwithstanding subsections (a) and (b), under IC 25-23.3,
34 the state board of nursing may disclose to the coordinated licensure
35 information system (as defined in IC 25-23.3-2-5) complaints and
36 information concerning complaints that the board determines to be
37 current significant investigative information (as defined in
38 IC 25-23.3-2-6).

39 SECTION 10. IC 25-1-8-2 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Notwithstanding
41 any other provision regarding the fees to be assessed by a board, a
42 board shall establish by rule and cause to be collected fees for the

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following:

- (1) Examination of applicants for licensure, registration, or certification.
- (2) Issuance, renewal, or transfer of a license, registration, or certificate.
- (3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
- (4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than ten dollars (\$10) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ~~ten dollars (\$10)~~ **twenty-five dollars (\$25)** for the issuance of a duplicate license, registration, or certificate.

SECTION 11. IC 25-1-8-6, AS AMENDED BY P.L.157-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).



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- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private detectives licensing board (IC 25-30-1-5.1).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration **and except as provided in section 8 of this chapter**, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

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- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period; or~~

(B) if the holder has not complied with the continuing education requirements, is subject to the requirements under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration **and except as provided in section 8 of this chapter**, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period; or~~

(B) if the holder has not complied with the continuing education requirements, is subject to the requirements under IC 25-1-4-5 and IC 25-1-4-6.

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 12. IC 25-1-8-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION [EFFECTIVE JULY 1, 2007]: **Sec. 8. (a) As**

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used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

(1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.

(2) Reinstatement of the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.

(3) Reinstatement of the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond

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ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:

- (1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;
- (2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or
- (3) the reinstatement is denied.

If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

SECTION 13. IC 25-1-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

- (1) a practitioner has:
 - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, **including cheating on a licensing examination;**
 - (B) engaged in fraud or material deception in the course of professional services or activities; ~~or~~
 - (C) advertised services in a false or misleading manner; **or**
 - (D) **engaged in fraudulent billing practices, including fraud under the following:**
 - (i) **Medicaid (42 U.S.C. 1396 et seq.).**
 - (ii) **Medicare (42 U.S.C. 1395 et seq.).**
 - (iii) **Children's health insurance program under IC 12-17.6.**
 - (iv) **Insurance claims.**
- (2) a practitioner has been convicted of a crime that:
 - (A) has a direct bearing on the practitioner's ability to continue to practice competently; **or**
 - (B) **is harmful to the public;**
- (3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in

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question;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence that:

(i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and

(ii) does not include activities performed under IC 16-21-2-9;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any ~~other~~ state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has diverted:

(A) a legend drug (as defined in IC 16-18-2-199); or

(B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;

(9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;

(10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;

(11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care; ~~or~~

(12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance

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organization; or

(13) a practitioner has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter.

(b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

SECTION 14. IC 25-1-9-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has been disciplined by a licensing entity of ~~another~~ any state or jurisdiction, or has committed an act that would have subjected the applicant to the disciplinary process had the applicant been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was, or could have been, disciplined has a direct bearing on the applicant's ability to competently practice in Indiana.

(b) The board may:

- (1) refuse to issue a license; or**
- (2) issue a probationary license;**

to an applicant for licensure if the applicant practiced without a license in violation of the law.

~~(b)~~ (c) Whenever the board issues a probationary license, the board may impose one (1) or more of the following conditions:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to those areas prescribed by the board.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

~~(c)~~ (d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

SECTION 15. IC 25-1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A practitioner

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shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

(1) a practitioner has:

(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

(B) engaged in fraud or material deception in the course of professional services or activities; ~~or~~

(C) advertised services or goods in a false or misleading manner; **or**

(D) engaged in fraudulent billing practices;

(2) a practitioner has been convicted of a crime that:

(A) has a direct bearing on the practitioner's ability to continue to practice competently; **or**

(B) is harmful to the public;

(3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence, **including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;**

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in ~~another~~ **any** state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act

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that would constitute a ground for disciplinary sanction under this chapter; ~~or~~

(9) a practitioner has allowed a license issued by a board to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; ~~or~~

(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

~~(c) The board may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law.~~

~~(d) (c)~~ A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7). ~~or subsection (c).~~

SECTION 16. IC 25-1-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. **(a)** The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed upon a hearing before the board. Each renewal of a summary suspension may not be for more than ninety (90) days.

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(c) Before the board may summarily suspend a license under this section, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to reach the practitioner is made if the consumer protection division of the attorney general's office attempts to reach the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.

SECTION 17. IC 25-1-11-19, AS ADDED BY P.L.194-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has:

(A) been disciplined by a licensing entity of another state or jurisdiction; or

(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

(1) refuse to issue a license; or

(2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

~~(b)~~ (c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit practice to the areas prescribed by the board.

(3) Continue or renew professional education requirements.

(4) Engage in community restitution or service without compensation for the number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation

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or treatment of the applicant.

~~(c)~~ **(d)** The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

SECTION 18. IC 25-2.1-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. "Quality review" means a study, an appraisal, or a review of at least one (1) aspect of the professional work of an individual or a firm in the practice of accountancy, by at least one (1) individual who:

(1) holds a **valid CPA** certificate **from any state**; and ~~who~~

(2) is independent of the individual or firm being reviewed.

SECTION 19. IC 25-2.5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) Subject to section 1 of this chapter, it is unlawful to practice acupuncture without a license issued under this article.

(b) Subject to subsection (c), it is unlawful for a licensed acupuncturist, other than a chiropractor licensed under IC 25-10, podiatrist licensed under IC 25-29, or dentist licensed under IC 25-14, to practice acupuncture on a patient unless the acupuncturist obtains:

(1) a written letter of referral; ~~and~~

(2) ~~either: (A)~~ a written diagnosis of the patient; or

~~(B)~~ **(3)** written documentation relating to the condition for which the patient receives acupuncture;

from an individual licensed under IC 25-22.5 within the twelve (12) months immediately preceding the date of acupuncture treatment.

(c) An acupuncturist licensed under this article may practice auricular acupuncture on a patient for the purpose of treating alcoholism, substance abuse, or chemical dependency without a written letter of referral or written diagnosis from a physician licensed under IC 25-22.5.

(d) If a licensed acupuncturist practices acupuncture on a patient after having obtained a written letter of referral or written diagnosis of the patient from a physician licensed under IC 25-22.5 as described in subsection (b), the physician is immune from civil liability relating to the patient's or acupuncturist's use of that diagnosis or referral except for acts or omissions of the physician that amount to gross negligence or willful or wanton misconduct.

SECTION 20. IC 25-7-7-3, AS AMENDED BY P.L.157-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that:

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- (1) the proposed school will require students to successfully complete at least one thousand five hundred (1,500) hours of course work as a requirement for graduation;
- (2) not more than ~~eight (8)~~ **ten (10)** hours of course work may be taken by a student during one (1) day;
- (3) the course work will provide instruction to students in all theories and practical applications of barbering, including:
 - (A) the scientific fundamentals for barbering, hygiene, and bacteriology;
 - (B) the histology of hair, skin, muscles, and nerves;
 - (C) the structure of the head, face, and neck;
 - (D) elementary chemistry relating to sterilization and antiseptics;
 - (E) cutting, shaving, arranging, dressing, coloring, bleaching, tinting, and permanent waving of the hair; and
 - (F) at least ten (10) hours of study on skin and diseases of the skin under a certified dermatologist;
- (4) the school will provide one (1) instructor for each group of twenty (20) or fewer students;
- (5) the school will be operated under the personal supervision of a licensed barber instructor;
- (6) the applicant has obtained:
 - (A) a building permit;
 - (B) a certificate of occupancy; or
 - (C) any other planning approval required under IC 22-15-3 and IC 36-7-4;
 required to operate the school;
- (7) the school, if located in the same building as a residence, will:
 - (A) be separated from the residence by a substantial floor to ceiling partition; and
 - (B) have a separate entrance;
- (8) as a requirement for graduation, the proposed school must:
 - (A) administer; and
 - (B) require the student to pass;
 a final practical demonstration examination of the acts permitted by the license; and
- (9) the applicant has paid the fee set forth in IC 25-7-11-2.

SECTION 21. IC 25-8-2-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15.5. "Mobile salon" means either of the following:**

- (1) A self-contained facility that may be moved, towed, or

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transported from one (1) location to another in which cosmetology, electrology, esthetics, or manicuring is practiced.

(2) A business in which cosmetology, electrology, esthetics, or manicuring equipment is transported to and used on a temporary basis at a location other than a selected salon site, including:

(A) other cosmetology, electrology, esthetic, or manicuring salons;

(B) clients' homes; and

(C) nursing homes.

SECTION 22. IC 25-8-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) The board shall adopt rules under IC 4-22-2 to:

(1) prescribe sanitary requirements for:

(A) cosmetology salons;

(B) electrology salons;

(C) esthetic salons;

(D) manicuring salons; and

(E) cosmetology schools;

(2) establish standards for the practice of cosmetology and the operation of:

(A) cosmetology salons;

(B) electrology salons;

(C) esthetic salons;

(D) manicuring salons; and

(E) cosmetology schools;

(3) implement the licensing system under this article and provide for a staggered renewal system for licenses; and

(4) establish requirements for cosmetology school uniforms for students and instructors.

(b) The board may adopt rules under IC 4-22-2 to establish the following for the practice of cosmetology, electrology, esthetics, or manicuring in a mobile salon:

(1) Sanitation standards.

(2) Safety requirements.

(3) Permanent address requirements at which the following are located:

(A) Records of appointments.

(B) License numbers of employees.

(C) If applicable, the vehicle identification number of the license holder's self-contained facility.

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(4) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances.

SECTION 23. IC 25-8-4-21, AS AMENDED BY P.L.157-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. **(a)** Except as provided in IC 25-8-9-11, the board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:

- (1) pays renewal fees established by the board under IC 25-1-8-2;
- (2) pays the license reinstatement fee established under IC 25-1-8-6; and
- (3) complies with all ~~of the~~ requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated, other than receiving a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board: established under IC 25-1-8-6.

(b) Except as provided in subsection (e), the board may not reinstate a license issued under this article if the person holding the license does not apply for reinstatement within four (4) years after the expiration date of the license, unless the person holding the license;

- (1) receives a satisfactory grade (as described in section 9 of this chapter) on an examination prescribed by the board;
- (2) pays the examination fee set forth in IC 25-1-8-2;
- (3) pays the renewal fees established by the board under IC 25-1-8-2; and
- (4) pays the reinstatement fee established under IC 25-1-8-6.

(c) If a person does not receive a satisfactory grade on the examination described in subsection (b)(1), the person may repeat the examination subject to the rules governing the examination as adopted by the board.

(d) If a person does not receive a satisfactory grade on a repeat examination as provided in subsection (c), the board may:

- (1) permit the person to take the examination again;
- (2) complete remediation and additional training as required by the board before the person is permitted to take the examination again; or
- (3) refuse to permit the person to take the examination again and deny the application for reinstatement of the license.

(e) The board may not reinstate:

- (1) a cosmetology salon license issued under IC 25-8-7;

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1 (2) an electrology salon license issued under IC 25-8-7.2;
 2 (3) an esthetic salon license issued under IC 25-8-12.6; or
 3 (4) a manicurist salon license issued under IC 25-8-7.1;
 4 unless the license holder submits an application for reinstatement
 5 of the license not later than two (2) years after the date the license
 6 expires.

7 (f) The board may not reinstate a cosmetology school license
 8 issued under IC 25-8-5 unless the license holder submits an
 9 application for reinstatement of the license not later than six (6)
 10 months after the date the license expires.

11 SECTION 24. IC 25-8-4-27, AS AMENDED BY P.L.194-2005,
 12 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2007]: Sec. 27. If a person holding a license described in
 14 section ~~22(b)~~ **21(e) or 21(f)** of this chapter does not comply with the
 15 reinstatement application filing requirements set forth in that section,
 16 that person may:

17 (1) file an application for a new license to operate:

18 (A) a cosmetology salon;

19 (B) an electrology salon;

20 (C) an esthetic salon;

21 (D) a manicurist salon; or

22 (E) a cosmetology school;

23 under this article; and

24 (2) pay the reinstatement fee set forth in:

25 (A) IC 25-8-13-3; or

26 (B) IC 25-8-13-5(b).

27 SECTION 25. IC 25-8-5-3, AS AMENDED BY P.L.157-2006,
 28 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2007]: Sec. 3. The application described in section 2 of this
 30 chapter must state that:

31 (1) as a requirement for graduation, the proposed school will
 32 require its students to successfully complete at least the one
 33 thousand five hundred (1,500) hours of course work required to
 34 be eligible to sit for the licensing examination;

35 (2) no more than ~~eight (8)~~ **ten (10)** hours of course work may be
 36 taken by a student during one (1) day;

37 (3) the course work will instruct the students in all theories and
 38 practical application of the students' specific course of study;

39 (4) the school will provide one (1) instructor for each twenty (20)
 40 students or any fraction of that number;

41 (5) the school will be operated under the personal supervision of
 42 a licensed cosmetologist instructor;

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(6) the person has obtained any building permit, certificate of occupancy, or other planning approval required under IC 22-15-3 and IC 36-7-4 to operate the school;

(7) the school, if located in the same building as a residence, will:

(A) be separated from the residence by a substantial floor to ceiling partition; and

(B) have a separate entry;

(8) as a requirement for graduation, the proposed school must:

(A) administer; and

(B) require the student to pass;

a final practical demonstration examination of the acts permitted by the license; and

(9) the applicant has paid the fee set forth in IC 25-8-13-3.

SECTION 26. IC 25-8-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The board may license a person to be a ~~cosmetology~~ **beauty culture** instructor.

SECTION 27. IC 25-8-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person must file a verified application for a ~~cosmetology~~ **beauty culture** instructor license with the board. ~~to obtain that license~~. The application must be made on a form prescribed by the board.

SECTION 28. IC 25-8-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that the applicant:

(1) is at least eighteen (18) years of age;

(2) has graduated from high school or received the equivalent of a high school education;

(3) holds a cosmetologist, **an electrologist, a manicurist, or an esthetician** license issued under this article;

~~(4) has actively practiced cosmetology for at least six (6) months in a cosmetology salon for at least six (6) months in a cosmetology salon and subsequently successfully completed at least six (6) months of instruction in theory and practice of instructor training as a student in a cosmetology school;~~

(4) has completed the education and experience requirements subject to the rules adopted by the board;

(5) has not committed an act for which the applicant could be disciplined under IC 25-8-14;

(6) has received a satisfactory grade (as ~~defined~~ **described** in IC 25-8-4-9) on an examination for instructor license applicants prescribed by the board; and

(7) has paid the fee set forth in IC 25-8-13-4 for the issuance of a

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license under this chapter.

SECTION 29. IC 25-8-6-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. A person who obtains a license as a beauty culture instructor may provide instruction in the following:**

(1) **Cosmetology, if the person:**

(A) holds a cosmetologist license under IC 25-8-9; and

(B) has actively practiced cosmetology for at least six (6) months in a cosmetology salon and subsequently successfully completed at least six (6) months of instruction in theory and practice of instructor training as a student in a cosmetology school.

(2) **Electrology, if the person holds an electrologist license under IC 25-8-10.**

(3) **Manicuring, if the person holds a manicurist license under IC 25-8-11.**

(4) **Esthetics, if the person holds an esthetician license under IC 25-8-12.5.**

SECTION 30. IC 25-8-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. A person who wishes to obtain a cosmetology salon license must:**

(1) **do one (1) or more of the following:**

(A) Select a site for the salon which, if located in the same building as a residence:

~~(A)~~ (i) is separated from the residence by a substantial floor to ceiling partition; and

~~(B)~~ (ii) has a separate entry.

(B) **Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);**

(2) **if applicable**, obtain any building permit, certificate of occupancy, or other approval action required under IC 22-15-3 and IC 36-7-4 to operate the cosmetology salon;

(3) install the furnishings, **if applicable**, and obtain the salon equipment required under rules adopted by the board; and

(4) submit a verified statement on a form prescribed by the board that the cosmetology salon will be under the personal supervision of a person who has at least six (6) months active experience as a cosmetologist under IC 25-8-9 before the application was submitted under this chapter.

SECTION 31. IC 25-8-7.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. A person who desires to obtain a manicurist salon license must:**

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(1) do **one (1) or more of** the following:

~~(A)~~ (A) Select a site for the salon that, if located in the same building as a residence:

~~(A)~~ (i) is separated from the residence by a substantial floor to ceiling partition; and

~~(B)~~ (ii) has a separate entry.

(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);

(2) **if applicable**, obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) other approval action required under IC 22-15-3 and IC 36-7-4;

to operate the manicurist salon;

(3) install the furnishings, **if applicable**, and obtain the salon equipment required under rules adopted by the board; **and**

(4) submit a verified statement on a form prescribed by the board that the manicurist salon will be under the personal supervision of a person who has at least six (6) months active experience as a:

(A) manicurist under IC 25-8-11; or

(B) cosmetologist under IC 25-8-9;

before the application was submitted under this chapter.

SECTION 32. IC 25-8-7.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person who desires to obtain an electrology salon license must:

(1) do **one (1) or more of** the following:

~~(A)~~ (A) Select a site for the salon that, if located in the same building as a residence:

~~(A)~~ (i) is separated from the residence by a substantial floor to ceiling partition; and

~~(B)~~ (ii) has a separate entry.

(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);

(2) **if applicable**, obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) other approval action required under IC 22-15-3 and IC 36-7-4;

to operate the manicurist salon;

(3) install the furnishings, **if applicable**, and obtain the salon equipment required under rules adopted by the board; **and**

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(4) submit a verified statement on a form prescribed by the board that the electrology salon will be under the personal supervision of a person who has at least six (6) months active experience as an electrologist under IC 25-8-10 before the application was submitted under this chapter.

SECTION 33. IC 25-8-9-7, AS AMENDED BY P.L.157-2006, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The board may issue a temporary work permit to practice cosmetology, electrology, esthetics, ~~or manicuring. or the instruction of cosmetology, esthetics, or electrology.~~

SECTION 34. IC 25-8-9-8, AS AMENDED BY P.L.157-2006, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A person must file a verified application for a temporary:

- (1) cosmetologist work permit;
- (2) electrologist work permit;
- (3) esthetician work permit; **or**
- (4) manicurist work permit;
- ~~(5) cosmetology instructor work permit;~~
- ~~(6) esthetics instructor work permit; or~~
- ~~(7) electrology instructor work permit;~~

with the board on a form prescribed by the board to obtain that work permit.

SECTION 35. IC 25-8-9-9, AS AMENDED BY P.L.157-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The temporary cosmetologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice cosmetology under the supervision of a cosmetologist; and
- (2) has filed an application under:
 - (A) section 2 of this chapter, but has not taken the examination described by section 3(4) of this chapter; or
 - (B) IC 25-8-4-2 and is awaiting a board determination.

(b) The temporary electrologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice electrology under the supervision of an electrologist; and
- (2) has filed an application under:
 - (A) IC 25-8-10-2, but has not taken the examination described in IC 25-8-10-3(3); or
 - (B) IC 25-8-4-2 and is awaiting a board determination.

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(c) The temporary esthetician work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice esthetics under the supervision of an esthetician; and

(2) has filed an application under:

(A) IC 25-8-12.5-3, but has not taken the examination described in IC 25-8-12.5-4(4); or

(B) IC 25-8-4-2 and is awaiting a board determination.

(d) The temporary manicurist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice manicuring under the supervision of a cosmetologist or manicurist; and

(2) has filed an application under:

(A) IC 25-8-11-3, but has not taken the examination described in IC 25-8-11-4(4); or

(B) IC 25-8-4-2 and is awaiting a board determination.

(e) The temporary cosmetology instructor work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice the instruction of cosmetology under the supervision of a cosmetology instructor; and

(2) has filed an application under:

(A) IC 25-8-6-2, but has not taken the examination described in IC 25-8-6-3(6); or

(B) IC 25-8-4-2 and is awaiting a board determination.

(f) The temporary esthetics instructor work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice the instruction of esthetics under the supervision of a cosmetology or an esthetics instructor; and

(2) has filed an application under:

(A) IC 25-8-6.1-2, but has not taken the examination described in IC 25-8-6.1-3(6); or

(B) IC 25-8-4-5 and is awaiting a board determination described in IC 25-8-4-2.

(g) The temporary electrology instructor work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice the instruction of electrology under the supervision of an electrology instructor; and

(2) has filed an application under:

(A) IC 25-8-6.2-2, but has not taken the examination described in IC 25-8-6.2-3(6); or

(B) IC 25-8-4-2 and is awaiting a board determination.

SECTION 36. IC 25-8-15.4-9.5 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2007]: **Sec. 9.5. The board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:**

(1) **pays renewal fees established by the board under IC 25-1-8-2;**

(2) **pays the license reinstatement fee established under IC 25-1-8-6; and**

(3) **complies with all requirements established under this article for an applicant for an initial license.**

SECTION 37. IC 25-9-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The Indiana professional licensing agency may appoint and remove deputies for use by the commission. The commission shall, when the commission considers it advisable, direct a deputy to be present at any place where sparring or boxing matches ~~semiprofessional elimination contests~~, or exhibitions are to be held under this chapter. The deputies shall ascertain the exact conditions surrounding the match ~~contest~~, or exhibition and make a written report of the conditions in the manner and form prescribed by the commission.

(b) The licensing agency may appoint and remove a secretary for the commission, who shall:

(1) keep a full and true record of all the commission's proceedings;

(2) preserve at its general office all the commission's books, documents, and papers;

(3) prepare for service notices and other papers as may be required by the commission; and

(4) perform other duties as the licensing agency may prescribe.

The licensing agency may employ only such clerical employees as may be actually necessary and fix their salaries as provided by law.

(c) Each commissioner shall be reimbursed for all actual and necessary traveling expenses and disbursements incurred by them in the discharge of their official duties. All reimbursements for traveling expenses shall be in accordance with travel policies and procedures established by the Indiana department of administration and the budget agency. All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made for the expenses.

SECTION 38. IC 25-9-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Boxing and sparring matches or exhibitions for prizes or purses may be held in

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(b) The commission:

(1) has the sole direction, management, control, and jurisdiction over all boxing and sparring matches ~~semiprofessional elimination contests~~, or exhibitions to be conducted, held, or given in Indiana; and

(2) may issue licenses for those matches ~~contests~~, or exhibitions.

(c) A boxing or sparring match or an exhibition that is:

(1) conducted by any school, college, or university within Indiana;

(2) sanctioned by United States Amateur Boxing, Inc.; or

(3) without a prize or purse;

shall not be subject to the provisions of this chapter requiring a license. The term "school, college, or university" does not include a school or other institution for the principal purpose of furnishing instruction in boxing, or other athletics.

(d) No boxing or sparring match, or exhibition, except as provided in this article, shall be held or conducted within Indiana except under a license and permit issued by the state boxing commission in accordance with the provisions of this chapter and the rules adopted under this chapter.

SECTION 39. IC 25-9-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The commission may:

(1) cause to be issued by the Indiana professional licensing agency under the name and seal of the state boxing commission, an annual license in writing for holding boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions to any person who is qualified under this chapter; and

(2) adopt rules to establish the qualifications of the applicants.

(b) In addition to the general license, a person must, before conducting any particular boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition where one (1) or more contests are to be held, obtain a permit from the state boxing commission.

(c) Annual licenses may be revoked by the commission upon hearing and proof that any holder of an annual license has violated this chapter or any rule or order of the commission.

(d) A person who conducts a boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition without first obtaining a license or permit commits a Class B misdemeanor.

SECTION 40. IC 25-9-1-7, AS AMENDED BY P.L.120-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Applications for licenses or permits to

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conduct or participate in, either directly or indirectly, a boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition shall be:

(1) made in writing upon forms prescribed by the state boxing commission and shall be addressed to and filed with the Indiana professional licensing agency; and

(2) verified by the applicant, if an individual, or by some officer of the club, corporation, or association in whose behalf the application is made.

(b) The application for a permit to conduct a particular boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition, shall, among other things, state:

(1) the time and exact place at which the boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition is proposed to be held;

(2) the names of the contestants who will participate and their seconds;

(3) the seating capacity of the buildings or the hall in which such exhibition is proposed to be held;

(4) the admission charge which is proposed to be made;

(5) the amount of the compensation percentage of gate receipts which is proposed to be paid to each of the participants;

(6) the name and address of the person making the application;

(7) the names and addresses of all the officers if the person is a club, a corporation, or an association; and

(8) the record of each contestant from a source approved by the commission.

(c) The commission shall cause to be kept by the licensing agency proper records of the names and addresses of all persons receiving permits and licenses.

SECTION 41. IC 25-9-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. All buildings or structures used, or in any way to be used for the purpose of holding or giving therein boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions, shall be properly ventilated and provided with fire exits and fire escapes, if need be, and in all manner shall conform to the laws, ordinances, and regulations pertaining to buildings in the city or town where situated.

SECTION 42. IC 25-9-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A person shall not:

(1) permit any person under the age of eighteen (18) years to

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1 participate in any boxing or sparring match ~~semiprofessional~~
2 ~~elimination contest~~; or exhibition;

3 (2) permit any gambling on the result of, or on any contingency in
4 connection with, any boxing or sparring match ~~semiprofessional~~
5 ~~elimination contest~~; or exhibition conducted by it; or

6 (3) participate in or permit any sham or collusive boxing or
7 sparring match ~~semiprofessional elimination contest~~; or
8 exhibition.

9 (b) A person who violates this section shall, in addition to any
10 criminal penalty, have the person's license or permit revoked and be
11 rendered ineligible for a license or permit at any future time.

12 SECTION 43. IC 25-9-1-17 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) A person shall
14 not:

15 (1) participate in any sham or collusive boxing or sparring match
16 ~~semiprofessional elimination contest~~; or exhibition where the
17 match or exhibition is conducted by a licensed person; or

18 (2) being under the age of eighteen (18), participate in any boxing
19 or sparring match ~~semiprofessional elimination contest~~; or
20 exhibition.

21 (b) If a person violating this section is a licensed contestant in this
22 state, the person shall for the first offense, in addition to the fine, suffer
23 a revocation of the person's license or permit, and for a second offense
24 be forever barred from receiving any license or permit or participating
25 in any boxing or sparring match or exhibition in Indiana.

26 (c) A person who gambles on the result of, or on any contingency in
27 connection with, any boxing or sparring match ~~semiprofessional~~
28 ~~elimination contest~~; or exhibition and is convicted under IC 35-45-5
29 shall, in addition to any criminal penalty imposed, be penalized as
30 provided in subsection (b).

31 SECTION 44. IC 25-9-1-19 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) No contestant
33 shall be permitted to participate in any boxing or sparring match
34 ~~semiprofessional elimination contest~~; or exhibition unless duly
35 registered and licensed with the state boxing commission, which
36 license must be renewed biennially. The license fee and the renewal fee
37 shall not be less than five dollars (\$5) paid at the time of the
38 application for the license or renewal.

39 (b) Any person who desires to be registered and licensed as a
40 contestant shall file an application in writing with the Indiana
41 professional licensing agency, which application shall, among other
42 things, state:

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- (1) the correct name of the applicant;
- (2) the date and place of the applicant's birth;
- (3) the place of the applicant's residence; and
- (4) the applicant's employment, business, or occupation, if any.

The application must be verified under oath of the applicant. Application for renewal license shall be in similar form.

(c) No assumed or ring names shall be used in any application nor in any advertisement of any contest, unless the ring or assumed name has been registered with the commission with the correct name of the applicant.

(d) Each application for license by a contestant or for a license renewal must be accompanied by the certificate of a physician residing within Indiana, who has been licensed as provided in this article, and has practiced in Indiana for not less than five (5) years, certifying that the physician has made a thorough physical examination of the applicant, and that the applicant is physically fit and qualified to participate in boxing or sparring matches or exhibitions.

SECTION 45. IC 25-9-1-20.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20.5. The commission may declare any person who has been convicted of an offense under IC 35-48 ineligible to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition, or any other activity or event regulated by the commission, notwithstanding that the person may hold a valid license issued by the commission. The period of ineligibility shall be for not less than six (6) months nor more than three (3) years, as determined by the commission. If any such person shall be declared ineligible, the commission shall suspend such convicted person and declare ~~him~~ **the person** ineligible to participate in any boxing or sparring match or exhibition, or any other activity or event regulated by the commission, as soon as it discovers the conviction, but the period of ineligibility shall commence from the actual date of the conviction. During the period of ineligibility, the suspended person may reapply to the commission for a license in the manner provided, and the commission may rescind the prior order of suspension.

SECTION 46. IC 25-9-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) Any license provided for under this chapter may be revoked or suspended by the commission for reasons deemed sufficient under this chapter and under IC 25-1-11.

(b) If a person displays to the public credentials issued by the commission that:

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- (1) have been revoked or suspended under this section or under sections 16, 17, and 20.5 of this chapter; or
 (2) have expired;

the commission may act under this section, or the commission may declare the person ineligible for a period to be determined by the commission to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, exhibition, or other activity regulated by the commission.

SECTION 47. IC 25-9-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) Every person, club, corporation, firm, or association which may conduct any match or exhibition under this chapter shall, within twenty-four (24) hours after the termination thereof:

(1) furnish to the Indiana professional licensing agency by mail, a written report duly verified by that person or, if a club, corporation, firm, or association, by one (1) of its officers, showing the amount of the gross proceeds for the match or exhibition, and other related matters as the commission may prescribe; and

(2) pay a tax of five percent (5%) of the price of admission collected from the sale of each admission ticket to the match or exhibition, which price shall be a separate and distinct charge and shall not include any tax imposed on and collected on account of the sale of any such ticket. Money derived from such state tax shall be deposited in the state general fund.

(b) Before any license shall be granted for any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition in this state, a bond or other instrument that provides financial recourse must be provided to the state boxing commission. The instrument must be:

- (1) in an amount determined by the commission;
 (2) approved as to form and sufficiency of the sureties thereon by the commission;
 (3) payable to the state of Indiana; and
 (4) conditioned for the payment of the tax imposed, the officials and contestants, and compliance with this chapter and the valid rules of the commission.

SECTION 48. IC 25-9-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. The commission may appoint official representatives, designated as inspectors, each of whom shall receive from the commission a card authorizing ~~him~~ **the official representative** to act as an inspector wherever the commission may designate ~~him~~ **the official representative** to act. One (1) inspector

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or deputy shall be present at all boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions, and see that the rules of the commission and the provisions of this chapter are strictly observed, and shall also be present at the counting up of the gross receipts, and shall immediately mail to the commission the final box-office statement received by him from the person or officers of the club, corporation, or association conducting the match ~~contest~~, or exhibition.

SECTION 49. IC 25-9-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. All tickets of admission to any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition shall clearly show their purchase price, and no such tickets shall be sold for more than the price printed on the tickets. It shall be unlawful for any person, club, corporation, or association to admit to such contest a number of people greater than the seating capacity of the place where such contest is held.

SECTION 50. IC 25-21.5-8-7, AS AMENDED BY P.L.194-2005, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The board may adopt rules requiring a land surveyor to obtain continuing education for renewal of a certificate under this chapter.

(b) If the board adopts rules under this section, the rules must ~~do the following~~:

(1) establish procedures for approving an organization that provides continuing education.

(2) Require an organization that provides an approved continuing education program to supply the following information to the board not more than thirty (30) days after the course is presented:

(A) An alphabetical list of all land surveyors who attended the course.

(B) A certified statement of the hours to be credited to each land surveyor.

(c) If the board adopts rules under this section, the board may adopt rules to do the following:

(1) Allow private organizations to implement the continuing education requirement.

(2) Establish an inactive certificate of registration. If the board adopts rules establishing an inactive certificate, the board must adopt rules that:

(A) do not require the holder of an inactive certificate to obtain continuing education;

(B) prohibit the holder of an inactive certificate from

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practicing land surveying;

(C) establish requirements for reactivation of an inactive certificate; and

(D) do not require the holder of an inactive certificate to pay the registration and renewal fees required under IC 25-21.5-7-5.

SECTION 51. IC 25-23-1-1.1, AS AMENDED BY HEA 1084-2007, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.1. (a) As used in this chapter, "registered nurse" means a person who holds a valid license issued:

(1) under this chapter; or

(2) **by a party state (as defined in IC 25-23.3-2-12);** and who bears primary responsibility and accountability for nursing practices based on specialized knowledge, judgment, and skill derived from the principles of biological, physical, and behavioral sciences.

(b) As used in this chapter, "registered nursing" means performance of services which include but are not limited to:

(1) assessing health conditions;

(2) deriving a nursing diagnosis;

(3) executing a nursing regimen through the selection, performance, and management of nursing actions based on nursing diagnoses;

(4) advocating the provision of health care services through collaboration with or referral to other health professionals;

(5) executing regimens delegated by a physician with an unlimited license to practice medicine or osteopathic medicine, a licensed dentist, a licensed chiropractor, a licensed optometrist, or a licensed podiatrist;

(6) teaching, administering, supervising, delegating, and evaluating nursing practice;

(7) delegating tasks which assist in implementing the nursing, medical, or dental regimen; or

(8) performing acts which are approved by the board or by the board in collaboration with the medical licensing board of Indiana.

(c) As used in this chapter, "assessing health conditions" means the collection of data through means such as interviews, observation, and inspection for the purpose of:

(1) deriving a nursing diagnosis;

(2) identifying the need for additional data collection by nursing personnel; and

(3) identifying the need for additional data collection by other

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health professionals.

(d) As used in this chapter, "nursing regimen" means preventive, restorative, maintenance, and promotion activities which include meeting or assisting with self-care needs, counseling, and teaching.

(e) As used in this chapter, "nursing diagnosis" means the identification of needs which are amenable to nursing regimen.

SECTION 52. IC 25-23-1-1.2, AS AMENDED BY HEA 1084-2007, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.2. As used in this chapter, "licensed practical nurse" means a person who holds a valid license issued under this chapter **or by a party state (as defined in IC 25-23.3-2-12)** and who functions at the direction of:

- (1) a registered nurse;
- (2) a physician with an unlimited license to practice medicine or osteopathic medicine;
- (3) a licensed dentist;
- (4) a licensed chiropractor;
- (5) a licensed optometrist; or
- (6) a licensed podiatrist;

in the performance of activities commonly performed by practical nurses and requiring special knowledge or skill.

SECTION 53. IC 25-23-1-7, AS AMENDED BY HEA 1084-2007, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The board shall do the following:

- (1) Adopt under IC 4-22-2 rules necessary to enable it to carry into effect this chapter.
- (2) Prescribe standards and approve curricula for nursing education programs preparing persons for licensure under this chapter.
- (3) Provide for surveys of such programs at such times as it considers necessary.
- (4) Accredite such programs as meet the requirements of this chapter and of the board.
- (5) Deny or withdraw accreditation from nursing education programs for failure to meet prescribed curricula or other standards.
- (6) Examine, license, and renew the license of qualified applicants.
- (7) Issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings.
- (8) Cause the prosecution of all persons violating this chapter and

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have power to incur necessary expenses for these prosecutions.

(9) Adopt rules under IC 4-22-2 that do the following:

(A) Prescribe standards for the competent practice of registered, practical, and advanced practice nursing.

(B) Establish with the approval of the medical licensing board created by IC 25-22.5-2-1 requirements that advanced practice nurses must meet to be granted authority to prescribe legend drugs and to retain that authority.

(C) Establish, with the approval of the medical licensing board created by IC 25-22.5-2-1, requirements for the renewal of a practice agreement under section 19.4 of this chapter, which shall expire on October 31 in each odd-numbered year.

(10) Keep a record of all its proceedings.

(11) Collect and distribute annually demographic information on the number and type of registered nurses and licensed practical nurses employed in Indiana.

(12) Adopt rules and administer the interstate nurse licensure compact under IC 25-23.3.

(b) The board may do the following:

(1) Create ad hoc subcommittees representing the various nursing specialties and interests of the profession of nursing. Persons appointed to a subcommittee serve for terms as determined by the board.

(2) Utilize the appropriate subcommittees so as to assist the board with its responsibilities. The assistance provided by the subcommittees may include the following:

(A) Recommendation of rules necessary to carry out the duties of the board.

(B) Recommendations concerning educational programs and requirements.

(C) Recommendations regarding examinations and licensure of applicants.

(3) Appoint nurses to serve on each of the ad hoc subcommittees.

(4) Withdraw from the interstate nurse licensure compact under IC 25-23.3.

(c) Nurses appointed under subsection (b) must:

(1) be committed to advancing and safeguarding the nursing profession as a whole; and

(2) represent nurses who practice in the field directly affected by a subcommittee's actions.

SECTION 54. IC 25-23-1-11, AS AMENDED BY HEA 1084-2007,
SECTION 173, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Any person who applies to the board for a license to practice as a registered nurse must:

(1) not have:

(A) been convicted of a crime that has a direct bearing on the person's ability to practice competently; or

(B) committed an act that would constitute a ground for a disciplinary sanction under IC 25-1-9;

(2) have completed:

(A) the prescribed curriculum and met the graduation requirements of a state accredited program of registered nursing that only accepts students who have a high school diploma or its equivalent as determined by the board; or

(B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and

(3) be physically and mentally capable of and professionally competent to safely engage in the practice of nursing as determined by the board.

The board may not require a person to have a baccalaureate degree in nursing as a prerequisite for licensure.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a registered nurse to an applicant who has been licensed as a registered nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time that the applicant applies for an Indiana license by endorsement, the applicant holds a current license in another state and possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what constitutes substantial equivalence under this subsection.

(d) The board may issue by endorsement a license to practice as a registered nurse to an applicant who:

(1) has completed the English version of the:

(A) Canadian Nurse Association Testing Service Examination (CNAT); or

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(B) Canadian Registered Nurse Examination (CRNE);

(2) achieved the passing score required on the examination at the time the examination was taken;

(3) is currently licensed in a Canadian province or in another state; and

(4) meets the other requirements under this section.

(e) Each applicant for examination and registration to practice as a registered nurse shall pay a fee set by the board, ~~The board may set a proctoring fee to be paid by applicants who are graduates of a state accredited school in another state. a part of which must be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses.~~ Payment of the fee or fees shall be made by the applicant prior to the date of examination. **The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:**

(1) Twenty-five percent (25%) of the license application fee per license applied for under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

(f) Any person who holds a license to practice as a registered nurse in:

(1) Indiana; or

(2) a party state (as defined in IC 25-23.3-2-12);

may use the title "Registered Nurse" and the abbreviation "R.N.". No other person shall practice or advertise as or assume the title of registered nurse or use the abbreviation of "R.N." or any other words, letters, signs, or figures to indicate that the person using same is a registered nurse.

SECTION 55. IC 25-23-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A person who applies to the board for a license to practice as a licensed practical nurse must:

(1) not have been convicted of:

(A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the person's ability to practice competently;

(2) have completed:

(A) the prescribed curriculum and met the graduation requirements of a state accredited program of practical nursing

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that only accepts students who have a high school diploma or its equivalent, as determined by the board; or

(B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and

(3) be physically and mentally capable of, and professionally competent to, safely engage in the practice of practical nursing as determined by the board.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a licensed practical nurse to an applicant who has been licensed as a licensed practical nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time of application for an Indiana license by endorsement, the applicant possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what shall constitute substantial equivalence under this subsection.

(d) Each applicant for examination and registration to practice as a practical nurse shall pay a fee set by the board, ~~The board may set a proctoring fee to be paid by applicants who are graduates of a state accredited school in another state; a part of which must be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses.~~ Payment of the fees shall be made by the applicant before the date of examination. **The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:**

(1) Twenty-five percent (25%) of the license application fee per license applied for under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

(e) Any person who holds a license to practice as a licensed practical nurse in:

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(1) Indiana; or

(2) a party state (as defined in ~~IC 25-23.2-1-11~~;
IC 25-23.3-2-12);

may use the title "Licensed Practical Nurse" and the abbreviation "L.P.N.". No other person shall practice or advertise as or assume the title of licensed practical nurse or use the abbreviation of "L.P.N." or any other words, letters, signs, or figures to indicate that the person using them is a licensed practical nurse.

SECTION 56. IC 25-23-1-16.1, AS AMENDED BY P.L.1-2006, SECTION 451, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16.1. (a) A license to practice as a registered nurse expires on October 31 in each odd-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(b) A license to practice as a licensed practical nurse expires on October 31 in each even-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(c) The procedures and fee for renewal shall be set by the board.

(d) At the time of license renewal, each registered nurse and each licensed practical nurse shall pay a renewal fee, a portion of which shall be for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) ~~Sixteen percent (16%)~~ **Twenty-five percent (25%)** of the license renewal fee per license renewed under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

SECTION 57. IC 25-23-1-27, AS AMENDED BY HEA 1084-2007, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. A person who:

(1) sells or fraudulently obtains or furnishes any nursing diploma, license, or record;

(2) practices nursing under cover of any diploma or license or record illegally or fraudulently obtained or assigned or issued unlawfully or under fraudulent representation;

(3) practices nursing as a registered nurse or licensed practical nurse unless licensed to do so under this chapter **or under IC 25-23.3**;

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(4) uses in connection with the person's name any designation tending to imply that the person is a registered nurse or a licensed practical nurse unless licensed to practice under this chapter **or under IC 25-23.3;**

(5) practices nursing during the time the person's license issued under this chapter **or under IC 25-23.3** is suspended or revoked;

(6) conducts a school of nursing or a program for the training of practical nurses unless the school or program has been accredited by the board; or

(7) otherwise violates this chapter;

commits a Class B misdemeanor.

SECTION 58. IC 25-23-1-34, AS AMENDED BY HEA 1084-2007, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 34. (a) The impaired nurses account is established within the state general fund for the purpose of providing money for providing rehabilitation of impaired registered nurses or licensed practical nurses under this article. The account shall be administered by the Indiana professional licensing agency.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the following:

(1) Funds collected for the rehabilitation of impaired registered nurses and impaired licensed practical nurses under ~~section~~ **sections 11(e), 12(d), and 16.1(d)** of this chapter.

(2) Funds collected under section 31(c)(2) of this chapter.

~~(3) Funds collected for the rehabilitation of impaired registered nurses and impaired licensed practical nurses under IC 25-23.2-3-5 (repeated).~~

~~(4)~~ **(3)** Fines collected from registered nurses or licensed practical nurses under IC 25-1-9-9(a)(6).

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(d) Money in the account is appropriated to the board for the purpose stated in subsection (a).

SECTION 59. IC 25-23.3 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

ARTICLE 23.3. INTERSTATE NURSE LICENSURE COMPACT

Chapter 1. Purpose

Sec. 1. It is the purpose of this compact to allow qualified nurses who are licensed in a compact state to practice nursing in another

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compact state and to reduce redundant licensing requirements of nurses who practice in multiple states.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Adverse action" means a home or remote state action.

Sec. 3. "Alternative program" means a voluntary, nondisciplinary monitoring program approved by a nurse licensing board.

Sec. 4. "Board" has the meaning set forth in IC 25-23-1-1.

Sec. 5. "Coordinated licensure information system" means an integrated process:

(1) for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws; and

(2) administered by a nonprofit organization composed of and controlled by state nurse licensing boards.

Sec. 6. "Current significant investigative information" means:

(1) investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(2) investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and has had an opportunity to respond.

Sec. 7. "Home state" means the party state that is a nurse's primary state of residence.

Sec. 8. "Home state action" means any administrative, civil, equitable, or criminal action permitted by the home state's laws that are imposed on a nurse by the home state's licensing board or other authority, including an action against an individual's license, such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice.

Sec. 9. "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.

Sec. 10. "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in that party state. All party states have the authority, in accordance with state due process law, to take actions against the nurse's

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1 privilege, such as revocation, suspension, probation, or any other
2 action that affects a nurse's authorization to practice.

3 Sec. 11. "Nurse" means a registered nurse or licensed
4 practical/vocational nurse as defined by the state practice laws of
5 each party state.

6 Sec. 12. "Party state" means any state that has adopted this
7 compact.

8 Sec. 13. "Remote state" means a party state, other than the
9 home state:

10 (1) where a patient is located at the time nursing care is
11 provided; or

12 (2) in the case of the practice of nursing not involving a
13 patient, in a party state where the recipient of nursing
14 practice is located.

15 Sec. 14. "Remote state action" means:

16 (1) any administrative, civil, equitable, or criminal action
17 permitted by a remote state's laws that are imposed on a
18 nurse by the remote state's licensing board or other authority,
19 including actions against an individual's multistate licensure
20 privilege to practice in the remote state; and

21 (2) cease and desist and other injunctive or equitable orders
22 issued by remote states or the licensing boards of remote
23 states.

24 Sec. 15. "State" means a state, territory, or possession of the
25 United States, the District of Columbia, or the Commonwealth of
26 Puerto Rico.

27 Sec. 16. "State practice laws" means the individual party state's
28 laws and rules that govern the practice of nursing, define the scope
29 of nursing practice, and create the methods and grounds for
30 imposing discipline. The term does not include the initial
31 qualifications for licensure or requirements necessary to obtain
32 and retain a license, except for qualifications or requirements of
33 the home state.

34 Chapter 3. General Provisions and Jurisdiction

35 Sec. 1. A license to practice registered nursing issued by a home
36 state to a resident in that state shall be recognized by each party
37 state as authorizing a multistate licensure privilege to practice as
38 a registered nurse in the party state. A license to practice licensed
39 practical/vocational nursing issued by a home state to a resident in
40 that state shall be recognized by each party state as authorizing a
41 multistate licensure privilege to practice as a licensed
42 practical/vocational nurse in the party state. To obtain or retain a

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license, an applicant must meet the home state's qualifications for licensure and license renewal and all other applicable state laws.

Sec. 2. Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such an action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

Sec. 3. A nurse practicing in a party state must comply with the state practice laws of the state in which a patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but includes all nursing practice as defined by the state practice laws of a party state. The practice of nursing subjects a nurse to the jurisdiction of the nurse licensing board, the courts, and the laws in that party state.

Sec. 4. This compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if a license is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

Sec. 5. Individuals not residing in a party state continue to be able to apply for nurse licensure as provided under the laws of each party state. However, the license granted to these individuals is not recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.

Chapter 4. Applications for Licensure in a Party State

Sec. 1. Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other party state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.

Sec. 2. A nurse in a party state may hold licensure in only one (1) party state at a time, issued by the home state.

Sec. 3. A nurse who intends to change primary state of residence may apply for licensure in the new home state before the change.

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1 However, a new license may not be issued by a party state until a
 2 nurse provides evidence of change in primary state of residence
 3 satisfactory to the new home state's licensing board.

4 **Sec. 4. (a) If a nurse:**

5 (1) changes primary state of residence by moving between two

6 (2) party states; and

7 (2) obtains a license from the new home state;

8 the license from the former home state is no longer valid.

9 **(b) If a nurse:**

10 (1) changes primary state or residence by moving from a
 11 nonparty state to a party state; and

12 (2) obtains a license from the new home state;

13 the individual state license issued by the nonparty state is not
 14 affected and remains in force if provided by the laws of the
 15 nonparty state.

16 (c) If a nurse changes primary state of residence by moving
 17 from a party state to a nonparty state, the license issued by the
 18 prior home state converts to an individual state license, valid only
 19 in the former home state, without multistate license privilege to
 20 practice in other party states.

21 **Chapter 5. Adverse Actions**

22 **Sec. 1.** The licensing board of a remote state shall promptly
 23 report to the administrator of the coordinated licensure
 24 information system any remote state actions, including the factual
 25 and legal basis for such actions, if known. The licensing board of a
 26 remote state shall promptly report any significant current
 27 investigative information yet to result in a remote state action. The
 28 administrator of the coordinated licensure information system
 29 shall promptly notify the home state of any such reports.

30 **Sec. 2.** The licensing board of a party state has authority to
 31 complete any pending investigations for a nurse who changes
 32 primary state of residence during the course of such investigations.
 33 The licensing board also has authority to take appropriate action
 34 and shall promptly report the conclusions of such investigations to
 35 the administrator of the coordinated licensure information system.
 36 The administrator of the coordinated licensure information system
 37 shall promptly notify the new home state of any such actions.

38 **Sec. 3.** A remote state may take adverse action affecting the
 39 multistate licensure privilege to practice within that party state.
 40 However, only the home state has authority to impose adverse
 41 action against the license issued by the home state.

42 **Sec. 4.** For purposes of imposing adverse action, the licensing

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board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action.

Sec. 5. The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action.

Sec. 6. This compact does not override a party state's decision that participation in an alternative program may be used instead of licensure action and that such participation shall remain nonpublic if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from the other party state.

Chapter 6. Additional Authority Invested in Party State Nurse Licensing Boards

Sec. 1. Notwithstanding any other powers, party state nurse licensing boards may:

- (1) if otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse;
- (2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses and the production of evidence from another party state shall be enforced in the latter state by a court with jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and evidence are located;
- (3) issue cease and desist orders to limit or revoke a nurse's authority to practice in their state; and
- (4) adopt uniform rules as provided for in IC 25-23.3-8-3.

Chapter 7. Coordinated Licensure Information System

Sec. 1. All party states shall participate in a cooperative effort to create a coordinated data base of all licensed registered nurses and licensed practical/vocational nurses. This system includes information on the licensure and disciplinary history of each nurse,

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as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.

Sec. 2. Notwithstanding any other law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials to the coordinated licensure information system.

Sec. 3. Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.

Sec. 4. Notwithstanding any other law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

Sec. 5. Any personally identifiable information obtained by a party state's licensing board from the coordinated licensure information system may not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

Sec. 6. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

Sec. 7. The compact administrators, acting jointly and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.

Chapter 8. Compact Administration and Interchange of Information

Sec. 1. The head of the nurse licensing board of each party state, or that person's designee, shall be the administrator of this compact for that person's state. For purposes of this article, the executive director of the Indiana professional licensing agency or the executive director's designee shall be the administrator of this compact.

Sec. 2. The compact administrator of each party state shall

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furnish to the compact administrator of each other party state any information and documents, including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information, to facilitate the administration of this compact.

Sec. 3. Compact administrators may develop uniform rules to facilitate and coordinate implementation of this compact. These uniform rules shall be adopted by a board under IC 25-23.3-6-1.

Chapter 9. Immunity

Sec. 1. Neither a party state nor an officer, employee, or agent of a party state's nurse licensing board who acts in accordance with this compact is liable on account of any act or omission in good faith while engaged in the performance of duties under this compact. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

Chapter 10. Entry Into Force, Withdrawal, and Amendment

Sec. 1. This compact becomes effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this compact.

Sec. 2. No withdrawal affects the validity or applicability by the licensing boards of states remaining party to the compact of any report of adverse action occurring before the withdrawal.

Sec. 3. This compact shall not be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with this compact.

Sec. 4. This compact may be amended by the party states. No amendment to this compact becomes effective and binding upon the party states unless and until it is enacted into the laws of all party states.

Chapter 11. Construction and Severability

Sec. 1. This compact shall be liberally construed to effectuate its purposes. The provisions of this compact are severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or if the applicability of this compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability of this compact to any government, agency, person, or circumstance is not affected thereby. If this compact is held contrary to the constitution of any party state, this compact remains in full force and effect as to the remaining party states and in full force and effect as to the party

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state affected as to a severable matter.

Sec. 2. If party states find a need for settling disputes arising under this compact:

(1) the party states may submit the issues in dispute to an arbitration panel comprised of an individual appointed by the compact administrator in the home state, an individual appointed by the compact administrator in each remote state involved, and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute; and

(2) the decision of a majority of the arbitrators is final and binding.

Sec. 3. This article expires July 1, 2011.

SECTION 60. IC 25-23.6-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) An individual may not:

(1) profess to be a licensed marriage and family therapist;

(2) use the title:

(A) "licensed marriage and family therapist";

(B) "marriage and family therapist"; or

(C) "family therapist";

(3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed marriage and family therapist; or

(4) practice marriage and family therapy for compensation;

unless the individual is licensed under ~~this article~~, IC 25-23.6-8-1, IC 25-22.5, or IC 25-33.

(b) An individual may not:

(1) profess to be a licensed marriage and family therapist associate;

(2) use the title:

(A) "licensed marriage and family therapist associate";

(B) "marriage and family therapist associate"; or

(C) "family therapist associate";

(3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed marriage and family therapist associate; or

(4) practice marriage and family therapy for compensation;

unless the individual is licensed under IC 25-23.6-8-1.5, IC 25-22.5, or IC 25-33.

SECTION 61. IC 25-23.6-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) An individual

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who is licensed **under IC 25-23.6-8-1** as a marriage and family therapist shall:

- (1) display the license or a clear copy of the license at each location where the marriage and family therapist regularly practices; and
- (2) include the words "licensed marriage and family therapist" or the letters "LMFT" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.

(b) An individual who is licensed under IC 25-23.6-8-1.5 as a marriage and family therapist associate shall:

- (1) display the license or a clear copy of the license at each location where the marriage and family therapist associate regularly practices; and**
- (2) include the words "licensed marriage and family therapist associate" or the letters "LMFTA" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.**

SECTION 62. IC 25-23.6-8-1, AS AMENDED BY SEA 526-2007, SECTION 337, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. An individual who applies for a license as a marriage and family therapist must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board from an eligible postsecondary educational institution that meets the requirements under section 2.1(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 2.1(a)(2) or (2.1)(a)(3) of this chapter; and

(B) completed the educational requirements under section 2.5 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual has met the clinical experience requirements under section 2.7 of this chapter.

(3) Furnish satisfactory evidence to the board that the individual:

(A) holds a marriage and family therapist associate license, in good standing, under section 1.5 of this chapter; or

(B) is licensed or certified to practice as a marriage and

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family therapist in another state and is otherwise qualified under this chapter.

~~(2)~~ **(4)** Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

~~(3)~~ **(5)** Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a marriage and family therapist without endangering the public.

~~(4)~~ **(6)** Pass an examination provided by the board.

~~(5)~~ **(7)** Pay the fee established by the board.

SECTION 63. IC 25-23.6-8-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. An individual who applies for a license as a marriage and family therapist associate must meet the following requirements:**

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board, from an eligible postsecondary educational institution that meets the requirements under section 2.1(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 2.1(a)(2) or 2.1(a)(3) of this chapter; and

(B) completed the educational requirements under section 2.5 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a marriage and family therapist without endangering the public.

(4) Pass an examination provided by the board.

(5) Pay the fee established by the board.

SECTION 64. IC 25-23.6-8-2.1, AS AMENDED BY SEA 526-2007, SECTION 338, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2007]: Sec. 2.1. (a) An applicant **for a license as a marriage and family therapist** under section 1 of this chapter **or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter** must have received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board, from an eligible postsecondary institution that meets the following requirements:

(1) If the institution was located in the United States or a territory of the United States, at the time of the applicant's graduation the institution was accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

(2) If the institution was located in Canada, at the time of the applicant's graduation the institution was a member in good standing with the Association of Universities and Colleges of Canada.

(3) If the institution was located in a foreign country other than Canada, at the time of the applicant's graduation the institution:

(A) was recognized by the government of the country where the school was located as a program to train in the practice of marriage and family therapy or psychotherapy; and

(B) maintained a standard of training substantially equivalent to the standards of institutions accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

(b) An applicant **for a license as a marriage and family therapist** under section 1 of this chapter **or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter** who has a master's or doctoral degree from a program that did not emphasize marriage and family therapy may complete the coursework requirement from an institution that is:

(1) accredited by the Commission on Accreditation for Marriage and Family Therapy Education; and

(2) recognized by the United States Department of Education.

SECTION 65. IC 25-23.6-8-2.5, AS AMENDED BY SEA 526-2007, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) An applicant **for a license as a marriage and family therapist** under section 1 **of this chapter or an applicant for a license as a marriage and family therapist associate under section 1.5** of this chapter must complete the following educational requirements:

(1) Except as provided in subsection (b), ~~complete~~ twenty-seven

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(27) semester hours or forty-one (41) quarter hours of graduate coursework that must include graduate level course credits with material in at least the following content areas:

- (A) Theoretical foundations of marriage and family therapy.
- (B) Major models of marriage and family therapy.
- (C) Individual development.
- (D) Family development and family relationships.
- (E) Clinical problems.
- (F) Collaboration with other disciplines.
- (G) Sexuality.
- (H) Gender and sexual orientation.
- (I) Issues of ethnicity, race, socioeconomic status, and culture.
- (J) Therapy techniques.
- (K) Behavioral research that focuses on the interpretation and application of research data as it applies to clinical practice.

The content areas may be combined into any one (1) graduate level course, if the applicant can prove that the coursework was devoted to each content area.

(2) Not less than one (1) graduate level course of two (2) semester hours or three (3) quarter hours in the following areas:

- (A) Legal, ethical, and professional standards issues in the practice of marriage and family therapy or an equivalent course approved by the board.
- (B) Appraisal and assessment for individual or interpersonal disorder or dysfunction.

(3) At least one (1) supervised clinical practicum, internship, or field experience in a marriage and family counseling setting that meets the following requirements:

- (A) The applicant provided five hundred (500) face to face client contact hours of marriage and family therapy services under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or a qualified supervisor approved by the board.
- (B) The applicant received one hundred (100) hours of supervision from a licensed marriage and family therapist who has at least five (5) years experience as a qualified supervisor.

The requirements under ~~subdivisions~~ **clauses** (A) and (B) may be met by a supervised practice experience that took place away from an institution of higher education but that is certified by an official of the eligible postsecondary educational institution as being equivalent to a graduate level practicum or internship program at an institution accredited by an accrediting agency

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approved by the United States Department of Education Commission on Recognition of Postsecondary Education, the Association of Universities and Colleges of Canada, or the Commission on Accreditation for Marriage and Family Therapy Education.

(b) The following graduate work may not be used to satisfy the content area requirements under subsection (a):

- (1) Thesis or dissertation work.
- (2) Practicums, internships, or fieldwork.

SECTION 66. IC 25-23.6-8-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.7. (a) An applicant **for a license as a marriage and family therapist** under section 1 of this chapter must have at least ~~three (3)~~ **two (2)** years of clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services: ~~Two (2)~~ **years of** The applicant's clinical experience must include one thousand (1,000) hours of post degree clinical experience and two hundred (200) hours of post degree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or an equivalent supervisor, as determined by the board.

(b) Within the ~~three (3)~~ **two (2)** years required under subsection (a), the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

- (1) Unmarried couples.
- (2) Married couples.
- (3) Separating or divorcing couples.
- (4) Family groups, including children.

(c) A doctoral internship may be applied toward the supervised work experience requirement.

(d) Except as provided in subsection (e), the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

(e) The work requirement may not be performed away from the supervising marriage and family therapist's premises if:

- (1) the work is the independent private practice of marriage and family therapy; and
- (2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.

SECTION 67. IC 25-23.6-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. An individual who

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satisfies the requirements of ~~sections 1 and 2~~ **section 1** of this chapter, **except for the requirement under section 1(6) of this chapter**, may take the examination provided by the board.

SECTION 68. IC 25-23.6-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The board shall issue a **marriage and family therapist** license to an individual who:

- (1) achieves a passing score, as determined by the board, on the examination provided under this chapter; and
- (2) is otherwise qualified under this article.

SECTION 69. IC 25-23.6-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) A **marriage and family therapist** license issued by the board is valid for the remainder of the renewal period in effect on the date the license was issued.

(b) An individual may renew a **marriage and family therapist** license by:

- (1) paying a renewal fee on or before the expiration date of the license; and
- (2) completing not less than fifteen (15) hours of continuing education each licensure year.

(c) If an individual fails to pay a renewal on or before the expiration date of a license, the license becomes invalid.

SECTION 70. IC 25-23.6-8-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8.5. (a) A marriage and family therapist associate license issued by the board is valid for the remainder of the renewal period in effect on the date the license was issued.**

(b) An individual may renew a marriage and family therapist associate license one (1) time by paying a renewal fee on or before the expiration date of the license.

(c) If an individual fails to pay a renewal on or before the expiration date of a license, the license becomes invalid.

SECTION 71. IC 25-23.6-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The board may reinstate an invalid **marriage and family therapist** license **issued under section 1 of this chapter** up to three (3) years after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a **marriage and family therapist** license expired, the individual holding the license may renew the license by satisfying the requirements for renewal established by the board and meeting the requirements under

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1 IC 25-1-8-6.

2 (c) The board may reinstate an invalid marriage and family
3 therapist associate license issued under section 1.5 of this chapter
4 up to six (6) months after the expiration date of the license if the
5 individual holding the invalid license meets the requirements under
6 IC 25-1-8-6.

7 SECTION 72. IC 25-23.6-8-11 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) An individual
9 who is licensed as a marriage and family therapist under section 1
10 of this ~~article~~ chapter shall notify the board in writing when the
11 individual retires from practice.

12 (b) Upon receipt of the notice, the board shall:

- 13 (1) record the fact the individual is retired; and
14 (2) release the individual from further payment of renewal fees
15 and continuing education requirements.

16 SECTION 73. IC 25-23.6-8-13 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. An individual who
18 applies for a marriage and family therapist license under section 1
19 of this ~~article~~ chapter may be exempted by the board from the
20 examination requirement under this chapter if the individual:

- 21 (1) is licensed or certified to practice as a marriage and family
22 therapist in another state; or
23 (2) has engaged in the practice of marriage and family therapy for
24 at least three (3) of the previous five (5) years;
25 (3) has passed a licensing examination substantially equivalent to
26 the licensing examination required under this article;
27 (4) has passed an examination pertaining to the marriage and
28 family therapy laws and rules of this state; and
29 (5) has not committed any act or is not under investigation for any
30 act that constitutes a violation of this article;

31 and is otherwise qualified under ~~sections~~ section 1 and 2 of this chapter
32 and pays an additional fee.

33 SECTION 74. IC 25-23.7-4-2 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The licensing agency
35 shall provide the board with clerical or other assistants ~~including~~
36 ~~investigators~~, necessary for the proper performance of the board's
37 duties.

38 SECTION 75. IC 25-27.5-4-9 IS ADDED TO THE INDIANA
39 CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) An individual who:

- 41 (1) is certified under this chapter; and
42 (2) does not practice as a physician assistant under a

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1 supervising physician;
2 shall notify the committee in writing that the individual does not
3 have a supervising physician.

4 (b) If an individual who is certified under this chapter does not
5 practice as a physician assistant under a supervising physician, the
6 board shall place the individual's certificate on inactive status.

7 (c) An individual may reinstate a certificate that is placed on
8 inactive status under this section if the individual:

9 (1) submits a written application to the committee requesting
10 that the certificate be placed on active status; and

11 (2) provides information as required by the committee
12 concerning the physician who will be supervising the
13 individual.

14 SECTION 76. IC 25-35.6-1-7, AS AMENDED BY P.L.157-2006,
15 SECTION 75, AND AS AMENDED BY P.L.1-2006, SECTION 480,
16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
17 2007]: Sec. 7. (a) The **division of professional standards board**
18 **established within the department of education by IC 20-28-2-1.5**
19 **(referred to as "the division of professional standards" in this**
20 **section)** may issue the following:

21 (1) An initial license as a speech-language pathologist only to an
22 individual who is licensed as a speech-language pathologist under
23 this article.

24 (2) A nonrenewable initial license as a speech-language
25 pathologist to an individual who is completing a clinical
26 fellowship in speech-language pathology and who has
27 registered the clinical fellowship with the board. The
28 nonrenewable initial license expires on the earlier of:

29 (A) the date the individual is licensed by the board as a
30 speech-language pathologist; or

31 (B) eighteen (18) months after the individual begins the
32 clinical fellowship in speech-language pathology.

33 (2) (3) A renewal license as a speech-language pathologist to a
34 individual who was licensed by the professional standards board
35 before July 1, 2005, and who is not licensed as a speech-language
36 pathologist under this article.

37 (b) The **division of professional standards board** shall issue a
38 license as a speech-language pathologist to an individual who:

39 (1) is licensed as a speech-language pathologist under this article;
40 and

41 (2) requests licensure.

42 (c) A speech-language pathologist licensed by the **division of**

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professional standards ~~board~~ shall register with the Indiana professional licensing agency all speech-language pathology support personnel that the speech-language pathologist supervises.

(d) The **division of** professional standards ~~board~~ may not impose different or additional supervision requirements upon speech-language pathology support personnel than the supervision requirements that are imposed under this article.

(e) The **division of** professional standards ~~board~~ may not impose continuing education requirements upon an individual who receives a license under this section that are different from or in addition to the continuing education requirements imposed under this article.

(f) An individual: ~~who:~~

(1) ~~if:~~ **who:**

(A) **if** the individual is a speech-language pathologist, receives a license under this section or received a license as a speech-language pathologist issued by the professional standards board before July 1, 2005; or

(B) **if** the individual is an audiologist, works in an educational setting;

(2) **who** has been the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language pathology and audiology for at least three (3) consecutive years; and

(3) **who** has professional experience as a licensed speech-language pathologist or audiologist in a school setting that is equivalent to the experience required for a teacher seeking national certification by the National Board of Professional Teaching Standards;

is considered to have the equivalent of and is entitled to the same benefits that accrue to a holder of a national certification issued by the National Board for Professional Teaching Standards.

SECTION 77. IC 25-35.6-1-8, AS ADDED BY P.L.212-2005, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2 to define the role of support personnel, including the following:

(1) Supervisory responsibilities of the speech-language pathologist.

(2) Ratio of support personnel to speech-language pathologists.

(3) Scope of duties and restrictions of responsibilities for each type of support personnel.

(4) Frequency, duration, and documentation of supervision.

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(5) Education and training required to perform services.

(6) Procedures for renewing registration and terminating duties.

(b) A speech-language pathologist must meet the following qualifications to supervise speech-language pathology support personnel:

(1) Hold a current license as a speech-language pathologist **issued by the board.**

(2) Have at least three (3) years of clinical experience.

(3) Hold a certificate of clinical competence in speech-language pathology or its equivalent issued by a nationally recognized association for speech-language and hearing.

(c) Speech-language pathology support personnel may provide support services only under the supervision of a speech-language pathologist.

SECTION 78. IC 36-7-4-201.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 201.2. (a) As used in this section, "home occupation" means an occupation, profession, activity, or use that:**

(1) **is conducted entirely within an enclosed single family residence;**

(2) **is clearly an incidental and secondary use of the single family residence; and**

(3) **does not alter the exterior of the property or affect the residential character of the neighborhood.**

(b) **Subject to subsection (c), a zoning ordinance must allow one (1) or more occupants of a single family residence to engage in a home occupation of providing instruction in music.**

(c) **This section does not prohibit a unit from imposing conditions concerning noise, advertising, traffic, hours of operation, or any other condition relevant to the use of a single family residence for a home occupation.**

(d) **A zoning ordinance in violation of this section is void.**

SECTION 79. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 25-8-4-22; IC 25-8-4-23; IC 25-8-4-24; IC 25-8-4-25; IC 25-8-4-26; IC 25-8-6.1; IC 25-8-6.2; IC 25-8-16; IC 25-23-1-28.

SECTION 80. [EFFECTIVE JULY 1, 2007] (a) **The definitions in IC 25-35.6-1-2 apply throughout this SECTION.**

(b) **Notwithstanding IC 25-35.6, as amended by this act, concerning issuance of a license, the Indiana professional licensing agency shall issue a license in speech-language pathology as**

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1 follows:

2 (1) To each individual who applies for licensure and meets all
3 the following qualifications:

4 (A) Holds a license in speech and hearing therapy issued by
5 the division of professional standards established within
6 the department of education by IC 20-28-2-1.5 (referred to
7 as "the division of professional standards" in this
8 SECTION).

9 (B) Has a master's degree in speech-language pathology or
10 a related discipline.

11 (C) Has been employed as a speech-language pathologist
12 for at least nine (9) months in the last five (5) years.

13 (2) To each individual who applies for licensure and meets all
14 the following qualifications:

15 (A) Holds a life license in speech-language pathology issued
16 by the division of professional standards.

17 (B) Has:

18 (i) been employed as a speech-language pathologist for at
19 least nine (9) months in the last five (5) years; or

20 (ii) taken at least thirty-six (36) hours of continuing
21 education approved by the division of professional
22 standards or the Indiana professional licensing agency
23 after December 31, 2004, and before December 31, 2010.

24 (c) This SECTION expires July 1, 2010.

25 SECTION 81. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding
26 IC 25-23.3, as added by this act, IC 25-23.3 may not be
27 implemented until July 1, 2008.

28 (b) The Indiana state board of nursing shall, not later than June
29 30, 2008, adopt rules under IC 4-22-2 to administer IC 25-23.3, as
30 added by this act.

31 (c) This SECTION expires July 1, 2008.

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Health and Provider Services.

(Reference is to SB 335 as introduced.)

LONG, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, line 33, delete "(c)" and insert "(d)".

Page 7, line 15, delete "The applicant's license,".

Page 7, delete lines 16 through 20.

Page 7, line 23, delete "unless" and insert "**unless:**
(1)".

Page 7, line 25, delete "period." and insert "**period;**

(2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or

(3) the reinstatement is denied."

Page 7, line 25, beginning with "If" begin a new line blocked left.

Page 7, line 42, delete "abusive or".

Page 10, line 25, delete "abusive or".

Page 10, line 25, delete "practices," and insert "**practices;**".

Page 10, delete lines 26 through 31.

Page 11, after line 42, begin a new paragraph and insert:

"SECTION 9. IC 25-1-11-13 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. **(a)** The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed upon a hearing before the board. Each renewal of a summary suspension may not be for more than ninety (90) days.

(c) Before the board may summarily suspend a license under this section, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to reach the practitioner is made if the consumer protection division of the attorney general's office attempts to reach the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board."

Page 14, delete line 37.

Page 14, line 38, delete "(2)" and insert "(1)".

Page 14, line 39, delete "(3)" and insert "(2)".

Page 14, line 40, delete "(4)" and insert "(3)".

Page 15, line 4, delete "(5)" and insert "(4)".

Page 16, line 17, after "21(e)" insert "or 21(f)".

Page 30, between lines 21 and 22, begin a new paragraph and insert:
 "SECTION 46. IC 25-35.6-1-7, AS AMENDED BY P.L.157-2006, SECTION 75, AND AS AMENDED BY P.L.1-2006, SECTION 480, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The **division of professional standards board**

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established within the department of education by IC 20-28-2-1.5 (referred to as "the division of professional standards" in this section) may issue the following:

- (1) An initial license as a speech-language pathologist only to an individual who is licensed as a speech-language pathologist under this article.
- (2) A nonrenewable initial license as a speech-language pathologist to an individual who is completing a clinical fellowship in speech-language pathology and who has registered the clinical fellowship with the board. The nonrenewable initial license expires on the earlier of:
 - (A) the date the individual is licensed by the board as a speech-language pathologist; or
 - (B) eighteen (18) months after the individual begins the clinical fellowship in speech-language pathology.
- (2) (3) A renewal license as a speech-language pathologist to an individual who was licensed by the professional standards board before July 1, 2005, and who is not licensed as a speech-language pathologist under this article.
- (b) The **division of professional standards board** shall issue a license as a speech-language pathologist to an individual who:
 - (1) is licensed as a speech-language pathologist under this article; and
 - (2) requests licensure.
- (c) A speech-language pathologist licensed by the **division of professional standards board** shall register with the Indiana professional licensing agency all speech-language pathology support personnel that the speech-language pathologist supervises.
- (d) The **division of professional standards board** may not impose different or additional supervision requirements upon speech-language pathology support personnel than the supervision requirements that are imposed under this article.
- (e) The **division of professional standards board** may not impose continuing education requirements upon an individual who receives a license under this section that are different from or in addition to the continuing education requirements imposed under this article.
- (f) An individual: ~~who:~~
 - (1) ~~if:~~ **who:**
 - (A) if the individual is a speech-language pathologist, receives a license under this section or received a license as a speech-language pathologist issued by the professional standards board before July 1, 2005; or

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(B) **if** the individual is an audiologist, works in an educational setting;

(2) **who** has been the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language pathology and audiology for at least three (3) consecutive years; and

(3) **who** has professional experience as a licensed speech-language pathologist or audiologist in a school setting that is equivalent to the experience required for a teacher seeking national certification by the National Board of Professional Teaching Standards;

is considered to have the equivalent of and is entitled to the same benefits that accrue to a holder of a national certification issued by the National Board for Professional Teaching Standards."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 335 as printed January 24, 2007.)

MILLER, Chairperson

Committee Vote: Yeas 11, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 335, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) "Applicant", for purposes of IC 16-25, has the meaning set forth in IC 16-25-1.1-2.

(b) "Applicant", for purposes of IC 16-26-2, has the meaning set forth in IC 16-26-2-1.

(c) "Applicant", for purposes of IC 16-27-4, refers to an applicant for a license under IC 16-27-4.

SECTION 2. IC 16-27-4-6, AS ADDED BY P.L.212-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) To operate a personal services agency, a

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person must obtain a license from the state health commissioner. A personal services agency may not be opened, operated, managed, or maintained or conduct business without a license from the state department. Each parent personal services agency must obtain a separate license.

(b) A parent personal services agency may maintain branch offices that operate under the license of the parent personal services agency. Each branch office must be:

- (1) at a location or site from which the personal services agency provides services;
- (2) owned and controlled by the parent personal services agency; and
- (3) located within a radius of one hundred twenty (120) miles of the parent personal services agency.

(c) A license is required for any personal services agency providing services in Indiana. An out-of-state personal services agency must be authorized by the secretary of state to conduct business in Indiana and have a branch office in Indiana.

(d) Application for a license to operate a personal services agency must be:

- (1) made on a form provided by the state department; and ~~must be~~
- (2) accompanied by the payment of a fee of two hundred fifty dollars (\$250).

However, if the state department does not make forms available to applicants, the state department shall accept an application for a personal services agency license in any form. The application may not require any seek any more information ~~except as than the~~ information required under this chapter. **To the extent that an application form requests additional information, the state department may not deny the application of an applicant for refusing to provide the additional information.**

(e) ~~After receiving~~ **Upon receipt of** a completed application, ~~that~~ the state department shall review the application to ensure that the information required by section 6.1 of this chapter is provided. **If the application contains all of the required information, the information provided by the applicant demonstrates the applicant's** prima facie compliance with the requirements of this chapter, and ~~if the~~ **payment of applicant has paid** the fee required by subsection (d), the state department shall issue ~~a~~ **an initial** license to the applicant to operate a personal services agency. **If, after reviewing an application, the state department is not satisfied that the applicant has demonstrated prima facie compliance with this chapter, the state**

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department may conduct an ~~onsite~~ inspection to determine whether the applicant demonstrates prima facie compliance with this chapter. Any inspection must be completed not more than sixty (60) days after the date that the state department receives the application. The state department must either:

- (1) issue the initial license to the applicant; or
- (2) deny the application for the initial license;

within sixty (60) days after the date that the state department receives the application. If the state department fails to act upon an application within sixty (60) days, the application shall be treated as if it were approved, and the state department shall issue an initial license to the applicant.

(f) The state department may conduct an onsite inspection in conjunction with the issuance of an initial license or the renewal of a license.

~~(f)~~ **(g)** In the state department's consideration of:

- (1) an application for licensure;
- (2) an application for renewal of licensure;
- (3) a complaint alleging noncompliance with the requirements of this chapter; or
- (4) an investigation conducted under section 7(a) of this chapter;

the state department's onsite inspections in conjunction with those actions are limited to determining the personal service agency's compliance with the requirements of this chapter or permitting or aiding an illegal act in a personal services agency.

~~(g)~~ **(h)** Subject to ~~subsection~~ **subsections (e) and (f)**, when conducting an onsite inspection, the state department must receive all documents necessary to determine the personal service agency's compliance with the requirements of this chapter. A personal services agency must produce documents requested by the state department surveyor not less than twenty-four (24) hours after the documents have been requested.

~~(h)~~ **(i)** A license expires one (1) year after the date of issuance of the license under subsection (e). However, the state department may issue an initial license for a period of less than one (1) year to stagger the expiration dates. The licensee shall notify the state department in writing at least thirty (30) days before closing or selling the personal services agency. **The holder of a license for a personal services agency must renew its license each year. A renewal application must:**

- (1) state the name of the personal services agency;
- (2) state the license number; and

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- (3) provide information concerning any changes that have occurred in the information provided to the state department in the initial application or a renewal application.**

The renewal application must be accompanied by a renewal fee in an amount equal to the fee imposed for an initial license. Upon receipt of a renewal application and the accompanying fee, the state department shall issue a renewal license. A renewal license expires one (1) year after the date of issuance.

(j) A personal services agency license may not be transferred or assigned. Upon sale, assignment, lease, or other transfer, including transfers that qualify as a change in ownership, the new owner or person in interest must obtain a license from the state department under this chapter before maintaining, operating, or conducting the personal services agency.

(k) A home health agency licensed under IC 16-27-1 that operates a personal services agency within the home health agency is subject to the requirements of this chapter. The requirements under IC 16-27-1 do not apply to a home health agency's personal services agency. The requirements under this chapter do not apply to a home health agency's operations. A home health agency that is licensed under IC 16-27-1 is not required to obtain a license under this chapter.

(l) If a person who is licensed to operate a personal services agency is also licensed to operate a home health agency under IC 16-27-1, an onsite inspection for renewal of the person's personal services agency license must, to the extent feasible, be conducted at the same time as an onsite inspection for the home health agency license.

SECTION 3. IC 16-27-4-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.1. (a) An application under section 4 of this chapter for an initial license for a personal services agency must include the following information:

- (1) The name, address, voice telephone number, and fax number of the applicant. If the applicant has any branch locations, the application must include the address, voice telephone number, and fax number for each branch location.**
- (2) A description of the applicant's type or form of business.**
- (3) The name and office voice telephone number of the applicant's manager required under section 9 of this chapter, including the after hours contact telephone number to be used by clients.**
- (4) If the manager specified under subdivision (3) has designated any individual to act in the manager's place:**

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- (A) the name and office voice telephone number for each designee; and
- (B) a description of the responsibilities that have been delegated to each designee.
- (5) The ownership, control, and management disclosures required under section 17(b) of this chapter.
- (6) A description of the personal services that the applicant will provide.
- (7) A list of the counties in which the applicant will provide personal services.
- (8) A disclosure of whether the owners or managers have been involved with an individual or entity that has been denied a license to operate as a personal services agency or has had its license to operate as a personal services agency revoked.
- (b) The following information must accompany an application for an initial license for a personal services agency:
 - (1) If the applicant is not a sole proprietorship, a copy of the organizing or incorporating documents that were filed with the secretary of state of the jurisdiction in which the applicant was created. If the applicant is an out-of-state entity, the applicant must include a copy of any documents filed by the personal services agency with the Indiana secretary of state.
 - (2) If an applicant is doing business under a name other than the name of the applicant, a copy of the document that was filed in Indiana to register the name.
 - (3) A copy of the Internal Revenue Service Form SS-4 or other documentation confirming the applicant's name and federal employer identification number.
 - (4) The following:
 - (A) A copy of the applicant's patient bill of rights.
 - (B) A copy of the applicant's form service plan.
 - (C) A copy of the applicant's policies and procedures relating to preparing, reviewing, and revising service plans.
 - (D) A copy of the applicant's policies and procedures for client satisfaction review, including any forms used for this purpose.
 - (E) A copy of the applicant's policies and procedures for responding to and investigating a client complaint.
 - (F) A copy of the applicant's policies and procedures for evaluating and training employees.
 - (5) Documentation showing that the applicant has evaluated

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and trained its employees as required by section 16 of this chapter and has performed tuberculosis testing as required by section 15 of this chapter.

SECTION 4. IC 16-27-4-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. The attorney general may do any combination of the following:

- (1) Seek an injunction of a violation described in section 23 of this chapter in a circuit or superior court of the county where the violation occurred.
- (2) Initiate a complaint with a prosecuting attorney to prosecute a violation described in section 23 of this chapter.

SECTION 5. IC 16-28-11-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) This section does not apply to the implementation of a do not resuscitate order.

(b) This article does not require an employee of a health facility to provide cardiopulmonary resuscitation (CPR) or other intervention on a patient if a licensed nurse who is employed by the health facility has determined that the following criteria have been met:

- (1) The patient has experienced an unwitnessed cessation of circulatory and respiratory functions.
- (2) The patient is unresponsive.
- (3) The patient's pupils are fixed and dilated.
- (4) The patient's body temperature indicates hypothermia.
- (5) The patient has generalized cyanosis.
- (6) The patient has livor mortis."

Page 3, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 8. IC 25-1-7-9, AS AMENDED BY HEA 1084-2007, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by ~~IC 25-23.2-1-5~~) (repeated): IC 25-23.3-2-6).

SECTION 9. IC 25-1-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) All complaints and information pertaining to the complaints shall be held in strict

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confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

- (1) under law; or
- (2) for the advancement of an investigation.

~~(c) Notwithstanding subsections (a) and (b), under IC 25-23.2 the state board of nursing may disclose to the coordinated licensure information system (as defined by IC 25-23.2-1-4) complaints and information concerning complaints that the board determines to be current significant investigative information (as defined by IC 25-23.2-1-5).~~

(c) Notwithstanding subsections (a) and (b), under IC 25-23.3, the state board of nursing may disclose to the coordinated licensure information system (as defined in IC 25-23.3-2-5) complaints and information concerning complaints that the board determines to be current significant investigative information (as defined in IC 25-23.3-2-6)."

Page 13, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 19. IC 25-2.5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) Subject to section 1 of this chapter, it is unlawful to practice acupuncture without a license issued under this article.

(b) Subject to subsection (c), it is unlawful for a licensed acupuncturist, other than a chiropractor licensed under IC 25-10, podiatrist licensed under IC 25-29, or dentist licensed under IC 25-14, to practice acupuncture on a patient unless the acupuncturist obtains:

- (1) a written letter of referral; ~~and~~
- (2) ~~either: (A)~~ a written diagnosis of the patient; or
- ~~(B)~~ **(3)** written documentation relating to the condition for which the patient receives acupuncture;

from an individual licensed under IC 25-22.5 within the twelve (12) months immediately preceding the date of acupuncture treatment.

(c) An acupuncturist licensed under this article may practice auricular acupuncture on a patient for the purpose of treating alcoholism, substance abuse, or chemical dependency without a written letter of referral or written diagnosis from a physician licensed under IC 25-22.5.

(d) If a licensed acupuncturist practices acupuncture on a patient after having obtained a written letter of referral or written diagnosis of

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the patient from a physician licensed under IC 25-22.5 as described in subsection (b), the physician is immune from civil liability relating to the patient's or acupuncturist's use of that diagnosis or referral except for acts or omissions of the physician that amount to gross negligence or willful or wanton misconduct."

Page 29, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 49. IC 25-23-1-1.1, AS AMENDED BY HEA 1084-2007, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.1. (a) As used in this chapter, "registered nurse" means a person who holds a valid license issued:

(1) under this chapter; **or**

(2) **by a party state (as defined in IC 25-23.3-2-12);** and

who bears primary responsibility and accountability for nursing practices based on specialized knowledge, judgment, and skill derived from the principles of biological, physical, and behavioral sciences.

(b) As used in this chapter, "registered nursing" means performance of services which include but are not limited to:

- (1) assessing health conditions;
- (2) deriving a nursing diagnosis;
- (3) executing a nursing regimen through the selection, performance, and management of nursing actions based on nursing diagnoses;
- (4) advocating the provision of health care services through collaboration with or referral to other health professionals;
- (5) executing regimens delegated by a physician with an unlimited license to practice medicine or osteopathic medicine, a licensed dentist, a licensed chiropractor, a licensed optometrist, or a licensed podiatrist;
- (6) teaching, administering, supervising, delegating, and evaluating nursing practice;
- (7) delegating tasks which assist in implementing the nursing, medical, or dental regimen; or
- (8) performing acts which are approved by the board or by the board in collaboration with the medical licensing board of Indiana.

(c) As used in this chapter, "assessing health conditions" means the collection of data through means such as interviews, observation, and inspection for the purpose of:

- (1) deriving a nursing diagnosis;
- (2) identifying the need for additional data collection by nursing personnel; and
- (3) identifying the need for additional data collection by other

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health professionals.

(d) As used in this chapter, "nursing regimen" means preventive, restorative, maintenance, and promotion activities which include meeting or assisting with self-care needs, counseling, and teaching.

(e) As used in this chapter, "nursing diagnosis" means the identification of needs which are amenable to nursing regimen.

SECTION 50. IC 25-23-1-1.2, AS AMENDED BY HEA 1084-2007, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.2. As used in this chapter, "licensed practical nurse" means a person who holds a valid license issued under this chapter **or by a party state (as defined in IC 25-23.3-2-12)** and who functions at the direction of:

- (1) a registered nurse;
- (2) a physician with an unlimited license to practice medicine or osteopathic medicine;
- (3) a licensed dentist;
- (4) a licensed chiropractor;
- (5) a licensed optometrist; or
- (6) a licensed podiatrist;

in the performance of activities commonly performed by practical nurses and requiring special knowledge or skill.

SECTION 51. IC 25-23-1-7, AS AMENDED BY HEA 1084-2007, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The board shall do the following:

- (1) Adopt under IC 4-22-2 rules necessary to enable it to carry into effect this chapter.
- (2) Prescribe standards and approve curricula for nursing education programs preparing persons for licensure under this chapter.
- (3) Provide for surveys of such programs at such times as it considers necessary.
- (4) Accredite such programs as meet the requirements of this chapter and of the board.
- (5) Deny or withdraw accreditation from nursing education programs for failure to meet prescribed curricula or other standards.
- (6) Examine, license, and renew the license of qualified applicants.
- (7) Issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings.
- (8) Cause the prosecution of all persons violating this chapter and

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have power to incur necessary expenses for these prosecutions.

(9) Adopt rules under IC 4-22-2 that do the following:

(A) Prescribe standards for the competent practice of registered, practical, and advanced practice nursing.

(B) Establish with the approval of the medical licensing board created by IC 25-22.5-2-1 requirements that advanced practice nurses must meet to be granted authority to prescribe legend drugs and to retain that authority.

(C) Establish, with the approval of the medical licensing board created by IC 25-22.5-2-1, requirements for the renewal of a practice agreement under section 19.4 of this chapter, which shall expire on October 31 in each odd-numbered year.

(10) Keep a record of all its proceedings.

(11) Collect and distribute annually demographic information on the number and type of registered nurses and licensed practical nurses employed in Indiana.

(12) Adopt rules and administer the interstate nurse licensure compact under IC 25-23.3.

(b) The board may do the following:

(1) Create ad hoc subcommittees representing the various nursing specialties and interests of the profession of nursing. Persons appointed to a subcommittee serve for terms as determined by the board.

(2) Utilize the appropriate subcommittees so as to assist the board with its responsibilities. The assistance provided by the subcommittees may include the following:

(A) Recommendation of rules necessary to carry out the duties of the board.

(B) Recommendations concerning educational programs and requirements.

(C) Recommendations regarding examinations and licensure of applicants.

(3) Appoint nurses to serve on each of the ad hoc subcommittees.

(4) Withdraw from the interstate nurse licensure compact under IC 25-23.3.

(c) Nurses appointed under subsection (b) must:

(1) be committed to advancing and safeguarding the nursing profession as a whole; and

(2) represent nurses who practice in the field directly affected by a subcommittee's actions.

SECTION 52. IC 25-23-1-11, AS AMENDED BY HEA 1084-2007, SECTION 173, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Any person who applies to the board for a license to practice as a registered nurse must:

(1) not have:

- (A) been convicted of a crime that has a direct bearing on the person's ability to practice competently; or
- (B) committed an act that would constitute a ground for a disciplinary sanction under IC 25-1-9;

(2) have completed:

- (A) the prescribed curriculum and met the graduation requirements of a state accredited program of registered nursing that only accepts students who have a high school diploma or its equivalent as determined by the board; or
- (B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and

(3) be physically and mentally capable of and professionally competent to safely engage in the practice of nursing as determined by the board.

The board may not require a person to have a baccalaureate degree in nursing as a prerequisite for licensure.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a registered nurse to an applicant who has been licensed as a registered nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time that the applicant applies for an Indiana license by endorsement, the applicant holds a current license in another state and possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what constitutes substantial equivalence under this subsection.

(d) The board may issue by endorsement a license to practice as a registered nurse to an applicant who:

(1) has completed the English version of the:

- (A) Canadian Nurse Association Testing Service Examination (CNAT); or

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(B) Canadian Registered Nurse Examination (CRNE);

- (2) achieved the passing score required on the examination at the time the examination was taken;
- (3) is currently licensed in a Canadian province or in another state; and
- (4) meets the other requirements under this section.

(e) Each applicant for examination and registration to practice as a registered nurse shall pay a fee set by the board, ~~The board may set a proctoring fee to be paid by applicants who are graduates of a state accredited school in another state: a part of which must be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses.~~ Payment of the fee or fees shall be made by the applicant prior to the date of examination. **The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:**

- (1) Twenty-five percent (25%) of the license application fee per license applied for under this section.**
- (2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.**

(f) Any person who holds a license to practice as a registered nurse in:

- (1) Indiana; or**
- (2) a party state (as defined in IC 25-23.3-2-12);**

may use the title "Registered Nurse" and the abbreviation "R.N.". No other person shall practice or advertise as or assume the title of registered nurse or use the abbreviation of "R.N." or any other words, letters, signs, or figures to indicate that the person using same is a registered nurse.

SECTION 53. IC 25-23-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A person who applies to the board for a license to practice as a licensed practical nurse must:

- (1) not have been convicted of:
 - (A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or
 - (B) a crime that has a direct bearing on the person's ability to practice competently;
- (2) have completed:
 - (A) the prescribed curriculum and met the graduation requirements of a state accredited program of practical nursing

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that only accepts students who have a high school diploma or its equivalent, as determined by the board; or

(B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and

(3) be physically and mentally capable of, and professionally competent to, safely engage in the practice of practical nursing as determined by the board.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a licensed practical nurse to an applicant who has been licensed as a licensed practical nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time of application for an Indiana license by endorsement, the applicant possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what shall constitute substantial equivalence under this subsection.

(d) Each applicant for examination and registration to practice as a practical nurse shall pay a fee set by the board, ~~The board may set a proctoring fee to be paid by applicants who are graduates of a state accredited school in another state; a part of which must be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses.~~ Payment of the fees shall be made by the applicant before the date of examination. **The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:**

(1) Twenty-five percent (25%) of the license application fee per license applied for under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

(e) Any person who holds a license to practice as a licensed practical nurse in:

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(1) Indiana; or

(2) a party state (as defined in ~~IC 25-23.2-1-11~~;
IC 25-23.3-2-12);

may use the title "Licensed Practical Nurse" and the abbreviation "L.P.N.". No other person shall practice or advertise as or assume the title of licensed practical nurse or use the abbreviation of "L.P.N." or any other words, letters, signs, or figures to indicate that the person using them is a licensed practical nurse.

SECTION 54. IC 25-23-1-16.1, AS AMENDED BY P.L.1-2006, SECTION 451, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16.1. (a) A license to practice as a registered nurse expires on October 31 in each odd-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(b) A license to practice as a licensed practical nurse expires on October 31 in each even-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(c) The procedures and fee for renewal shall be set by the board.

(d) At the time of license renewal, each registered nurse and each licensed practical nurse shall pay a renewal fee, a portion of which shall be for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) ~~Sixteen percent (16%)~~ **Twenty-five percent (25%)** of the license renewal fee per license renewed under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

SECTION 55. IC 25-23-1-27, AS AMENDED BY HEA 1084-2007, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. A person who:

(1) sells or fraudulently obtains or furnishes any nursing diploma, license, or record;

(2) practices nursing under cover of any diploma or license or record illegally or fraudulently obtained or assigned or issued unlawfully or under fraudulent representation;

(3) practices nursing as a registered nurse or licensed practical nurse unless licensed to do so under this chapter **or under IC 25-23.3**;

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(4) uses in connection with the person's name any designation tending to imply that the person is a registered nurse or a licensed practical nurse unless licensed to practice under this chapter **or under IC 25-23.3;**

(5) practices nursing during the time the person's license issued under this chapter **or under IC 25-23.3** is suspended or revoked;

(6) conducts a school of nursing or a program for the training of practical nurses unless the school or program has been accredited by the board; or

(7) otherwise violates this chapter;

commits a Class B misdemeanor.

SECTION 56. IC 25-23-1-34, AS AMENDED BY HEA 1084-2007, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 34. (a) The impaired nurses account is established within the state general fund for the purpose of providing money for providing rehabilitation of impaired registered nurses or licensed practical nurses under this article. The account shall be administered by the Indiana professional licensing agency.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the following:

(1) Funds collected for the rehabilitation of impaired registered nurses and impaired licensed practical nurses under **section sections 11(e), 12(d), and 16.1(d)** of this chapter.

(2) Funds collected under section 31(c)(2) of this chapter.

~~(3) Funds collected for the rehabilitation of impaired registered nurses and impaired licensed practical nurses under IC 25-23.2-3-5 (repeated).~~

~~(4)~~ (3) Fines collected from registered nurses or licensed practical nurses under IC 25-1-9-9(a)(6).

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(d) Money in the account is appropriated to the board for the purpose stated in subsection (a).

SECTION 57. IC 25-23.3 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

ARTICLE 23.3. INTERSTATE NURSE LICENSURE COMPACT

Chapter 1. Purpose

Sec. 1. It is the purpose of this compact to allow qualified nurses who are licensed in a compact state to practice nursing in another

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compact state and to reduce redundant licensing requirements of nurses who practice in multiple states.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Adverse action" means a home or remote state action.

Sec. 3. "Alternative program" means a voluntary, nondisciplinary monitoring program approved by a nurse licensing board.

Sec. 4. "Board" has the meaning set forth in IC 25-23-1-1.

Sec. 5. "Coordinated licensure information system" means an integrated process:

- (1) for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws; and
- (2) administered by a nonprofit organization composed of and controlled by state nurse licensing boards.

Sec. 6. "Current significant investigative information" means:

- (1) investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
- (2) investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and has had an opportunity to respond.

Sec. 7. "Home state" means the party state that is a nurse's primary state of residence.

Sec. 8. "Home state action" means any administrative, civil, equitable, or criminal action permitted by the home state's laws that are imposed on a nurse by the home state's licensing board or other authority, including an action against an individual's license, such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice.

Sec. 9. "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.

Sec. 10. "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in that party state. All party states have the authority, in accordance with state due process law, to take actions against the nurse's

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privilege, such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice.

Sec. 11. "Nurse" means a registered nurse or licensed practical/vocational nurse as defined by the state practice laws of each party state.

Sec. 12. "Party state" means any state that has adopted this compact.

Sec. 13. "Remote state" means a party state, other than the home state:

- (1) where a patient is located at the time nursing care is provided; or
- (2) in the case of the practice of nursing not involving a patient, in a party state where the recipient of nursing practice is located.

Sec. 14. "Remote state action" means:

- (1) any administrative, civil, equitable, or criminal action permitted by a remote state's laws that are imposed on a nurse by the remote state's licensing board or other authority, including actions against an individual's multistate licensure privilege to practice in the remote state; and
- (2) cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards of remote states.

Sec. 15. "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Sec. 16. "State practice laws" means the individual party state's laws and rules that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. The term does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

Chapter 3. General Provisions and Jurisdiction

Sec. 1. A license to practice registered nursing issued by a home state to a resident in that state shall be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in the party state. A license to practice licensed practical/vocational nursing issued by a home state to a resident in that state shall be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical/vocational nurse in the party state. To obtain or retain a

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license, an applicant must meet the home state's qualifications for licensure and license renewal and all other applicable state laws.

Sec. 2. Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such an action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

Sec. 3. A nurse practicing in a party state must comply with the state practice laws of the state in which a patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but includes all nursing practice as defined by the state practice laws of a party state. The practice of nursing subjects a nurse to the jurisdiction of the nurse licensing board, the courts, and the laws in that party state.

Sec. 4. This compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if a license is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

Sec. 5. Individuals not residing in a party state continue to be able to apply for nurse licensure as provided under the laws of each party state. However, the license granted to these individuals is not recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.

Chapter 4. Applications for Licensure in a Party State

Sec. 1. Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other party state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.

Sec. 2. A nurse in a party state may hold licensure in only one (1) party state at a time, issued by the home state.

Sec. 3. A nurse who intends to change primary state of residence may apply for licensure in the new home state before the change.

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However, a new license may not be issued by a party state until a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.

Sec. 4. (a) If a nurse:

- (1) changes primary state of residence by moving between two party states; and
- (2) obtains a license from the new home state;

the license from the former home state is no longer valid.

(b) If a nurse:

- (1) changes primary state of residence by moving from a nonparty state to a party state; and
- (2) obtains a license from the new home state;

the individual state license issued by the nonparty state is not affected and remains in force if provided by the laws of the nonparty state.

(c) If a nurse changes primary state of residence by moving from a party state to a nonparty state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without multistate license privilege to practice in other party states.

Chapter 5. Adverse Actions

Sec. 1. The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote state actions, including the factual and legal basis for such actions, if known. The licensing board of a remote state shall promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports.

Sec. 2. The licensing board of a party state has authority to complete any pending investigations for a nurse who changes primary state of residence during the course of such investigations. The licensing board also has authority to take appropriate action and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

Sec. 3. A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state has authority to impose adverse action against the license issued by the home state.

Sec. 4. For purposes of imposing adverse action, the licensing

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board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action.

Sec. 5. The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action.

Sec. 6. This compact does not override a party state's decision that participation in an alternative program may be used instead of licensure action and that such participation shall remain nonpublic if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from the other party state.

Chapter 6. Additional Authority Invested in Party State Nurse Licensing Boards

Sec. 1. Notwithstanding any other powers, party state nurse licensing boards may:

- (1) if otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse;
- (2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses and the production of evidence from another party state shall be enforced in the latter state by a court with jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and evidence are located;
- (3) issue cease and desist orders to limit or revoke a nurse's authority to practice in their state; and
- (4) adopt uniform rules as provided for in IC 25-23.3-8-3.

Chapter 7. Coordinated Licensure Information System

Sec. 1. All party states shall participate in a cooperative effort to create a coordinated data base of all licensed registered nurses and licensed practical/vocational nurses. This system includes information on the licensure and disciplinary history of each nurse,

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as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.

Sec. 2. Notwithstanding any other law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials to the coordinated licensure information system.

Sec. 3. Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.

Sec. 4. Notwithstanding any other law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

Sec. 5. Any personally identifiable information obtained by a party state's licensing board from the coordinated licensure information system may not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

Sec. 6. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

Sec. 7. The compact administrators, acting jointly and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.

Chapter 8. Compact Administration and Interchange of Information

Sec. 1. The head of the nurse licensing board of each party state, or that person's designee, shall be the administrator of this compact for that person's state. For purposes of this article, the executive director of the Indiana professional licensing agency or the executive director's designee shall be the administrator of this compact.

Sec. 2. The compact administrator of each party state shall

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furnish to the compact administrator of each other party state any information and documents, including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information, to facilitate the administration of this compact.

Sec. 3. Compact administrators may develop uniform rules to facilitate and coordinate implementation of this compact. These uniform rules shall be adopted by a board under IC 25-23.3-6-1.

Chapter 9. Immunity

Sec. 1. Neither a party state nor an officer, employee, or agent of a party state's nurse licensing board who acts in accordance with this compact is liable on account of any act or omission in good faith while engaged in the performance of duties under this compact. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

Chapter 10. Entry Into Force, Withdrawal, and Amendment

Sec. 1. This compact becomes effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this compact.

Sec. 2. No withdrawal affects the validity or applicability by the licensing boards of states remaining party to the compact of any report of adverse action occurring before the withdrawal.

Sec. 3. This compact shall not be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with this compact.

Sec. 4. This compact may be amended by the party states. No amendment to this compact becomes effective and binding upon the party states unless and until it is enacted into the laws of all party states.

Chapter 11. Construction and Severability

Sec. 1. This compact shall be liberally construed to effectuate its purposes. The provisions of this compact are severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or if the applicability of this compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability of this compact to any government, agency, person, or circumstance is not affected thereby. If this compact is held contrary to the constitution of any party state, this compact remains in full force and effect as to the remaining party states and in full force and effect as to the party

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state affected as to a severable matter.

Sec. 2. If party states find a need for settling disputes arising under this compact:

- (1) the party states may submit the issues in dispute to an arbitration panel comprised of an individual appointed by the compact administrator in the home state, an individual appointed by the compact administrator in each remote state involved, and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute; and**
- (2) the decision of a majority of the arbitrators is final and binding.**

Sec. 3. This article expires July 1, 2011.

SECTION 58. IC 25-23.6-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. **(a)** An individual may not:

- (1) profess to be a licensed marriage and family therapist;**
- (2) use the title:**
 - (A) "licensed marriage and family therapist";**
 - (B) "marriage and family therapist"; or**
 - (C) "family therapist";**
- (3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed marriage and family therapist; or**
- (4) practice marriage and family therapy for compensation;**

unless the individual is licensed under ~~this article~~, IC 25-23.6-8-1, IC 25-22.5, or IC 25-33.

(b) An individual may not:

- (1) profess to be a licensed marriage and family therapist associate;**
- (2) use the title:**
 - (A) "licensed marriage and family therapist associate";**
 - (B) "marriage and family therapist associate"; or**
 - (C) "family therapist associate";**
- (3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed marriage and family therapist associate; or**
- (4) practice marriage and family therapy for compensation;**

unless the individual is licensed under IC 25-23.6-8-1.5, IC 25-22.5, or IC 25-33.

SECTION 59. IC 25-23.6-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. **(a)** An individual

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who is licensed **under IC 25-23.6-8-1** as a marriage and family therapist shall:

- (1) display the license or a clear copy of the license at each location where the marriage and family therapist regularly practices; and
- (2) include the words "licensed marriage and family therapist" or the letters "LMFT" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.

(b) An individual who is licensed under IC 25-23.6-8-1.5 as a marriage and family therapist associate shall:

- (1) display the license or a clear copy of the license at each location where the marriage and family therapist associate regularly practices; and**
- (2) include the words "licensed marriage and family therapist associate" or the letters "LMFTA" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.**

SECTION 60. IC 25-23.6-8-1, AS AMENDED BY SEA 526-2007, SECTION 337, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. An individual who applies for a license as a marriage and family therapist must meet the following requirements:

- (1) Furnish satisfactory evidence to the board that the individual has:
 - (A) received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board from an eligible postsecondary educational institution that meets the requirements under section 2.1(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 2.1(a)(2) or (2.1)(a)(3) of this chapter; and
 - (B) completed the educational requirements under section 2.5 of this chapter.
- (2) Furnish satisfactory evidence to the board that the individual has met the clinical experience requirements under section 2.7 of this chapter.**
- (3) Furnish satisfactory evidence to the board that the individual:**
 - (A) holds a marriage and family therapist associate license, in good standing, under section 1.5 of this chapter; or**
 - (B) is licensed or certified to practice as a marriage and**

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family therapist in another state and is otherwise qualified under this chapter.

~~(2)~~ **(4)** Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

~~(3)~~ **(5)** Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a marriage and family therapist without endangering the public.

~~(4)~~ **(6)** Pass an examination provided by the board.

~~(5)~~ **(7)** Pay the fee established by the board.

SECTION 61. IC 25-23.6-8-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. An individual who applies for a license as a marriage and family therapist associate must meet the following requirements:**

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board, from an eligible postsecondary educational institution that meets the requirements under section 2.1(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 2.1(a)(2) or 2.1(a)(3) of this chapter; and

(B) completed the educational requirements under section 2.5 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a marriage and family therapist without endangering the public.

(4) Pass an examination provided by the board.

(5) Pay the fee established by the board.

SECTION 62. IC 25-23.6-8-2.1, AS AMENDED BY SEA 526-2007, SECTION 338, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2007]: Sec. 2.1. (a) An applicant **for a license as a marriage and family therapist** under section 1 of this chapter **or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter** must have received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board, from an eligible postsecondary institution that meets the following requirements:

- (1) If the institution was located in the United States or a territory of the United States, at the time of the applicant's graduation the institution was accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.
- (2) If the institution was located in Canada, at the time of the applicant's graduation the institution was a member in good standing with the Association of Universities and Colleges of Canada.
- (3) If the institution was located in a foreign country other than Canada, at the time of the applicant's graduation the institution:
 - (A) was recognized by the government of the country where the school was located as a program to train in the practice of marriage and family therapy or psychotherapy; and
 - (B) maintained a standard of training substantially equivalent to the standards of institutions accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

(b) An applicant **for a license as a marriage and family therapist** under section 1 of this chapter **or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter** who has a master's or doctoral degree from a program that did not emphasize marriage and family therapy may complete the coursework requirement from an institution that is:

- (1) accredited by the Commission on Accreditation for Marriage and Family Therapy Education; and
- (2) recognized by the United States Department of Education.

SECTION 63. IC 25-23.6-8-2.5, AS AMENDED BY SEA 526-2007, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) An applicant **for a license as a marriage and family therapist** under section 1 **of this chapter or an applicant for a license as a marriage and family therapist associate under section 1.5** of this chapter must complete the following educational requirements:

- (1) Except as provided in subsection (b), ~~complete~~ twenty-seven

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(27) semester hours or forty-one (41) quarter hours of graduate coursework that must include graduate level course credits with material in at least the following content areas:

- (A) Theoretical foundations of marriage and family therapy.
- (B) Major models of marriage and family therapy.
- (C) Individual development.
- (D) Family development and family relationships.
- (E) Clinical problems.
- (F) Collaboration with other disciplines.
- (G) Sexuality.
- (H) Gender and sexual orientation.
- (I) Issues of ethnicity, race, socioeconomic status, and culture.
- (J) Therapy techniques.
- (K) Behavioral research that focuses on the interpretation and application of research data as it applies to clinical practice.

The content areas may be combined into any one (1) graduate level course, if the applicant can prove that the coursework was devoted to each content area.

(2) Not less than one (1) graduate level course of two (2) semester hours or three (3) quarter hours in the following areas:

- (A) Legal, ethical, and professional standards issues in the practice of marriage and family therapy or an equivalent course approved by the board.
- (B) Appraisal and assessment for individual or interpersonal disorder or dysfunction.

(3) At least one (1) supervised clinical practicum, internship, or field experience in a marriage and family counseling setting that meets the following requirements:

- (A) The applicant provided five hundred (500) face to face client contact hours of marriage and family therapy services under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or a qualified supervisor approved by the board.
- (B) The applicant received one hundred (100) hours of supervision from a licensed marriage and family therapist who has at least five (5) years experience as a qualified supervisor.

The requirements under ~~subdivisions~~ **clauses** (A) and (B) may be met by a supervised practice experience that took place away from an institution of higher education but that is certified by an official of the eligible postsecondary educational institution as being equivalent to a graduate level practicum or internship program at an institution accredited by an accrediting agency

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approved by the United States Department of Education Commission on Recognition of Postsecondary Education, the Association of Universities and Colleges of Canada, or the Commission on Accreditation for Marriage and Family Therapy Education.

(b) The following graduate work may not be used to satisfy the content area requirements under subsection (a):

- (1) Thesis or dissertation work.
- (2) Practicums, internships, or fieldwork."

Page 29, line 36, after "applicant" insert **"for a license as a marriage and family therapist"**.

Page 30, between lines 23 and 24, begin a new paragraph and insert:
"SECTION 65. IC 25-23.6-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. An individual who satisfies the requirements of ~~sections 1 and 2~~ section 1 of this chapter, except for the requirement under section 1(6) of this chapter, may take the examination provided by the board.

SECTION 66. IC 25-23.6-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The board shall issue a marriage and family therapist license to an individual who:

- (1) achieves a passing score, as determined by the board, on the examination provided under this chapter; and
- (2) is otherwise qualified under this article.

SECTION 67. IC 25-23.6-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) A marriage and family therapist license issued by the board is valid for the remainder of the renewal period in effect on the date the license was issued.

(b) An individual may renew a marriage and family therapist license by:

- (1) paying a renewal fee on or before the expiration date of the license; and
- (2) completing not less than fifteen (15) hours of continuing education each licensure year.

(c) If an individual fails to pay a renewal on or before the expiration date of a license, the license becomes invalid.

SECTION 68. IC 25-23.6-8-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8.5. (a) A marriage and family therapist associate license issued by the board is valid for the remainder of the renewal period in effect on the date the license was issued.

(b) An individual may renew a marriage and family therapist

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associate license one (1) time by paying a renewal fee on or before the expiration date of the license.

(c) If an individual fails to pay a renewal on or before the expiration date of a license, the license becomes invalid.

SECTION 69. IC 25-23.6-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The board may reinstate an invalid **marriage and family therapist** license issued under **section 1 of this chapter** up to three (3) years after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a **marriage and family therapist** license expired, the individual holding the license may renew the license by satisfying the requirements for renewal established by the board and meeting the requirements under IC 25-1-8-6.

(c) The board may reinstate an invalid **marriage and family therapist associate** license issued under **section 1.5 of this chapter** up to six (6) months after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

SECTION 70. IC 25-23.6-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) An individual who is licensed as a **marriage and family therapist** under **section 1 of this article chapter** shall notify the board in writing when the individual retires from practice.

(b) Upon receipt of the notice, the board shall:

- (1) record the fact the individual is retired; and
- (2) release the individual from further payment of renewal fees and continuing education requirements.

SECTION 71. IC 25-23.6-8-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. An individual who applies for a **marriage and family therapist** license under **section 1 of this article chapter** may be exempted by the board from the examination requirement under this chapter if the individual:

- (1) is licensed or certified to practice as a marriage and family therapist in another state; or
- (2) has engaged in the practice of marriage and family therapy for at least three (3) of the previous five (5) years;
- (3) has passed a licensing examination substantially equivalent to the licensing examination required under this article;
- (4) has passed an examination pertaining to the marriage and family therapy laws and rules of this state; and

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(5) has not committed any act or is not under investigation for any act that constitutes a violation of this article;
and is otherwise qualified under ~~sections~~ **section 1 and 2** of this chapter and pays an additional fee."

Page 33, delete lines 6 through 42.

Delete pages 34 through 48.

Page 49, delete lines 1 through 2, begin a new paragraph and insert:
"SECTION 76. IC 36-7-4-201.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 201.2. (a) As used in this section, "home occupation" means an occupation, profession, activity, or use that:**

- (1) is conducted entirely within an enclosed single family residence;**
- (2) is clearly an incidental and secondary use of the single family residence; and**
- (3) does not alter the exterior of the property or affect the residential character of the neighborhood.**

(b) Subject to subsection (c), a zoning ordinance must allow one (1) or more occupants of a single family residence to engage in a home occupation of providing instruction in music.

(c) This section does not prohibit a unit from imposing conditions concerning noise, advertising, traffic, hours of operation, or any other condition relevant to the use of a single family residence for a home occupation.

(d) A zoning ordinance in violation of this section is void."

Page 49, line 5, after "IC 25-8-16" delete "." and insert "; IC 25-23-1-28."

Page 49, after line 34, begin a new paragraph and insert:

"SECTION 79. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding IC 25-23.3, as added by this act, IC 25-23.3 may not be implemented until July 1, 2008.

(b) The Indiana state board of nursing shall, not later than June 30, 2008, adopt rules under IC 4-22-2 to administer IC 25-23.3, as added by this act.

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(c) This SECTION expires July 1, 2008."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 335 as printed February 23, 2007.)

BROWN C, Chair

Committee Vote: yeas 9, nays 2.

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